The CONFESSIONS of ARTEMAS QUIBBLE

ARTHUR TRAIN

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THE CONFESSIONS OF ARTEMAS QUIBBLE

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THE CONFESSIONS OF ARTEMAS QUIBBLE

BEING THE INGENUOUS AND UNVARNISHED HISTORY OF ARTEMAS QUIBBLE, ESQUIRE, ONE-TIME PRACTITIONER IN THE NEW YORK CRIMINAL COURTS, TOGETHER WITH AN ACCOUNT OF THE DIVERS WILES, TRICKS, SOPHISTRIES, TECHNICALITIES, AND SUNDRY ARTIFICES OF HIMSELF AND OTHERS OF THE FRATERNITY, COMMONLY YCLEPT "SHYSTERS" OR "SHYSTER LAWYERS," AS EDITED

BY

ARTHUR TRAIN

FORMERLY ASSISTANT DISTRICT ATTORNEY
NEW YORK COUNTY

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ILLUSTRATIONS

Our offices were thronged with clients of all sexes, ages, conditions, and nationalities . . . . . *Frontispiece*

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THE CONFESSIONS OF ARTEMAS QUIBBLE

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CHAPTER I

I WAS born in the town of Lynn, Massachusetts, upon the twenty-second day of February, in the year 1855. Unlike most writers of similar memoirs, I shall cast no aspersions upon the indigent by stating that my parents were poor but honest. They were poor *and* honest, as indeed, so far as I have been able to ascertain, have been all the Quibbles since the founder of the family came over on the good ship *Susan and Ellen* in 1635 and, after marrying a lady's maid who had been his fellow passenger, settled in the township of Weston, built a mill, and divided his time equally between selling rum to the Indians and rearing a numerous progeny.

My father, the Reverend Ezra Quibble, was, to be sure, poor enough. The salary that he received as pastor of his church was meagre to the degree of necessitating my wearing his over-worn and

discarded clerical vestments, which to some extent may account for my otherwise inexplicable distaste for things ecclesiastical. My mother was poor, after wedlock, owing to the eccentricity of a parent who was so inexorably opposed to religion that he cut her off with a shilling upon her marriage to my father. Before this she had had and done what she chose, as was fitting for the daughter of a substantial citizen who had made a fortune in shoe leather.

I remember that one of my first experiments upon taking up the study of law was to investigate my grandfather's will in the probate office, with a view to determining whether or not, in his fury against the church, he had violated any of the canons of the law in regard to perpetuities or restraints upon alienation; or whether in his enthusiasm for the Society for the Propagation of Free Thinking, which he had established and intended to perpetuate, he had not been guilty of some technical slip or blunder that would enable me to seize upon its endowment for my own benefit. But the will! alas, had been drawn by that most careful of draughtsmen, old Tuckerman Toddleham, of 14 Barristers' Hall, Boston, and was as solid as the granite blocks of the court-house and as impregnable of legal attack as the Constitution.

We lived in a frame house, painted a disconsolate yellow. It abutted close upon the sidewalk and permitted the passer-by to view the family as we sat at meat or enjoyed the moderate delights of social intercourse with our neighbors, most of whom were likewise parishioners of my father.

My early instruction was received in the public schools of my native town, supplemented by tortured hours at home with "Greenleaf's Mental Arithmetic" and an exhaustive study of the major and minor prophets. The former stood me in good stead, but the latter I fear had small effect. At any rate, the impression made upon me bore little fruit, and after three years of them I found myself in about the same frame of mind as the Oxford student who, on being asked at his examination to distinguish between the major and minor prophets, wrote in answer: "God forbid that I should discriminate between such holy men!"

But for all that I was naturally of a studious and even scholarly disposition, and much preferred browsing among the miscellaneous books piled in a corner of the attic to playing the rough-and-tumble games in which my school-mates indulged.

My father was a stern, black-bearded man of the ante-bellum type, such as you may see in any

old volume of daguerreotypes, and entirely unblessed with a sense of humor. I can even now recall with a sinking of the heart the manner in which, if I abjured my food, he would grasp me firmly by the back of the neck and force my nose toward the plate of Indian mush—which was the family staple at supper—with the command, "Eat, boy!" Sometimes he was kind to a degree which, by a yawning of the imagination, might be regarded as affectionate, but this was only from a sense of religious duty. At such times I was prone to distrust him even more than at others. He believed in a personal devil with horns, a tail, and, I suspect, red tights; and up to the age of ten I shared implicitly in this belief. The day began and ended with family prayers of a particularly long-drawn-out and dolorous character.

My mother, on the other hand, was a pale young woman of an undecided turn of mind with a distinct taste for the lighter pleasures that she was never allowed to gratify. I think she secretly longed for the freedom that had been hers under the broader roof of her father's stately mansion on High Street. But she had, I suspect, neither the courage nor the force of mind to raise an issue, and from sheer inertia remained faithful to the life that she had elected.

He would grasp me firmly by the back of the neck and force my nose toward the plate with the command, "Eat, boy!"

My grandfather never had anything to do with either of them and did not, so far as I am aware, know me by sight, which may account for the fact that when he died he bequeathed a moderate sum in trust, "the proceeds to be devoted to the support and maintenance of the child of my daughter Sarah, at some suitable educational institution where he may be removed from the influences of his father."

Thus it was that at the age of nine I was sent away from home and began an independent career at the boarding-school kept by the Reverend Mr. Quirk, at Methuen, Massachusetts. Here I remained for seven years, in the course of which both my parents died, victims of typhoid. I was cast upon the world utterly alone, save for the rather uncompromising and saturnine regard in which I was held by old Mr. Toddleham, my trustee. This antique gentleman inhabited a musty little office, the only furniture in which consisted of a worn red carpet, a large engraving of the Hon. Jeremiah Mason, and a table covered with green baize. I recall also a little bronze horse which he used as a paper weight. He had a shrewd wrinkled face of the color of parchment, a thin yellow wig, and a blue cape coat. His practice consisted almost entirely in drawing wills and executing them

after the decease of their respective testators, whom he inevitably outlived, and I think he regarded me somewhat in the light of a legal joke. He used to send for me twice a year, for the sole purpose, I believe, of ascertaining whether or not I was sufficiently nourished at Quirk's establishment. On these occasions he would take me to lunch with him at the Parker House, where he invariably ordered scallops and pumpkin pie for me and a pint of port for himself.

On my departure he would hand me solemnly two of the pieces of paper currency known as "shin plasters," and bid me always hold my grandfather's memory in reverence. On one of these occasions, when he had laid me under a similar adjuration, I asked him whether he had ever heard of the man who made his son take off his hat whenever he met a pig—on the ground that his father had made his money in pork. He stared at me very hard for a moment with his little twinkling eyes and then suddenly and without any preliminary symptoms exploded in a cackle of laughter.

"Goddamme," he squeaked, "I wish your gran'ther could a' heard y' say that!"

Then without further explanation he turned and made his way down School Street and I did not see him for another six months.

My life at Quirk's was a great improvement over the life I had led at home in Lynn. In the first place I was in the real country, and in the second I had the companionship of good-natured, light-hearted people. The master himself was of the happy-go-lucky sort who, with a real taste for the finer things of literature and life, take no thought for the morrow or indeed even for the day. He was entirely incapable of earning a living and had been successively an actor, a lecturer, a preacher, and a pedagogue. He was a fine scholar of Latin and could quote Terence, Horace, and Plautus in a way that could stir the somnolent soul even of a school-boy. His chief enemy, next to laziness, was drink. He would disappear for days at a time into his study, and afterward explain that he had been engaged in the preparation of his *magnum opus*, which periodically was just on the point of going to press.

During these interludes the school was run by Mrs. Quirk, a robust, capable, and rosy Englishwoman, who had almost as much learning as her husband and ten times as much practical ability. There were twelve boys in the school, for each of whom the Quirks received the modest sum of two hundred and seventy-five dollars a year. In exchange for this they gave board, lodging, and tui-

tion. Each of us received separate instruction—or as Quirk expressed it "individual attention"—and excellent instruction it was. We arose at six, breakfasted at six-thirty, and helped around the house until eight, when our studies began. These continued until twelve, at which time we had dinner. After that we were free until two-thirty, when we resumed our labors until four.

Quirk was a tall, lank, loose-jointed man, with long black hair that lay well over his Byronic collar. He had a humorous eye and a cavernous mouth that was always twisting itself into grimaces, alternately side-splitting and terrifying. On occasions he would use the birch—and very thoroughly too, as I have reason to remember—but he ruled us rather by a sort of free and easy camaraderie than by fear of authority. For though he dressed like a clergyman, he always smelled strongly of stale cigar smoke, and his language at times was more forcible than is generally expected of a wearer of the cloth.

I dwelt with the Quirks, winter and summer, until I was able to pass my examinations for Harvard, which I did in the summer of 1871. My allowance had been gradually increased to meet my new expenses, and I entered the freshman class with an income sufficient to permit me to dress

suitably and enjoy myself in such simple ways as were in vogue among the collegians. But coming as I did, alone, from a small boarding-school, proved to be a great disadvantage, for I had all my friends to make after my arrival and I had neither the means nor the address to acquire ready-made social distinction. Thus it happened that I was very lonely during my first years in Cambridge; missed the genial companionship of my old friends, the Quirks, and seized every opportunity that offered for going back to Methuen.

I had grown into a tall, narrow-shouldered youth, with a high-arched nose set between rather pale cheeks, and prominent ears. Though I could hardly flatter myself into the belief that I was handsome, I felt that my appearance had something of distinction and that I looked like a gentleman. I affected coats with long tails and a somewhat dandified style of waistcoat and neck-cloth, as well as a white beaver, much in favor among the "bloods" of those days. But this took most of my available cash and left me little to expend in treating my fellow students at the tavern or in enjoying the more substantial culinary delights of the Boston hotels. Thus though I made no shabby friends I acquired few genteel ones, and I began to feel keenly the disadvantages of a lean

purse. I was elected into none of the clubs, nor did I receive any invitations to the numerous balls given in Boston or even to those in Cambridge. This piqued my pride, to be sure, but only intensified my resolution to become a man of fashion on my own account. If my classmates could get on without me I felt that I could get on without them, and I resolutely declined to appreciate any social distinction that might artificially exist between a man born in Salem and one born in Lynn, although I now understand that such distinction exists, at least so far as Boston society is concerned. Consequently as time went on and I could achieve prominence in no other way, I sought consolation for the social joys denied me by my betters by acquiring the reputation of a sport. I held myself coldly aloof from the fashionable men of my class and devoted myself to a few cronies who found themselves in much the same position as my own. In a short time we became known as the fastest set in college, and our escapades were by no means confined to Cambridge, but were carried on with great impartiality in Boston and the neighboring towns.

We organized a club, which we called the Cock and Spur, and had a rat-pit and cock-fights in the cellar, on which occasions we invited out young

actors from the Boston Museum and Howard Athenæum stock companies. These in turn pressed us with invitations to similar festivities of their own, and we thus became acquainted with the half-world of the modern Athens, which was much worse for us, I trow, than would have been the most desperate society of our college contemporaries. There was a club of young actors that we used to frequent, where light comedy sketches and scenes from famous plays were given by the members, and in due time several of us were admitted to membership. Of these I was one and learned to do a turn very acceptably. On one occasion I took a small part upon the Boston Museum stage to fill the place made vacant by the illness of a regular member of the cast—an illness due in part to a carousal at the Cock and Spur the night before, in which he had come out second best.

We were a clever crew, however, and never gave the faculty reason to complain of any failure on our part to keep up in our studies. When examination time came we hired an impecunious coach and, retiring from the world, acquired in five days knowledge that our fellows had taken eight months to imbibe. It is true that the college at large viewed us with some disgust, but

we chose to regard this as mere envy. That we were really objectionable must, however, be admitted, for we smoked cigars in the Yard, wore sky-blue pantaloons and green waistcoats, and cultivated little side whiskers of the mutton-chop variety; while our gigs and trotters were constantly to be seen standing in Harvard Square, waiting for the owners to claim them and take the road.

On Sundays, when the decorous youths of Boston had retired to Beacon Street for their midday family feast of roast beef and baked beans, the members of the Cock and Spur might be observed in their white beaver hats driving countryward in chaises from the local livery stables, seated beside various fair ladies from the Boston stage or the less distinguished purlieus of the Cambridge chop-houses. At noon these parties would foregather at some country tavern and spend long afternoons singing, drinking, and playing draw poker and other games of chance; and occasionally we would fight a main of cocks in some convenient pig-pen.

But this sort of a life took money, and I soon found myself borrowing freely from my associates, most of whom were young fellows from other States who had already come into their inheritances and had gone to Harvard to get rid of

them under the most approved conditions. For these I came to stand as a sort of sponsor, and was looked up to by them as a devil of a fellow, for I swore picturesquely and had a belligerently unpleasant manner that was regarded as something quite out of the ordinary and distinguished. These youthful spendthrifts I patronized and taught the mysteries of a sporting life, and for a time it became quite smart for a fellow to have gone on one of "Quib's" notes. These notes, however, increased rapidly in number, and before long amounted to such a prodigious sum that they gave me great uneasiness.

My habits had become extravagant and careless. Having no money at all I took no heed of what I did with that of others, for I hardly believed that I could ever repay any of it. But I continued on in my luxurious ways, well knowing that any change in my mode of life would precipitate a deluge. The safety of my position lay in owing everybody, and in inducing each to believe that he would be the one person ultimately or immediately to be paid. Moreover, I was not completely spoiled and craved so ardently the enjoyments in which I had indulged that I would never of myself have had the will to abjure them. I had gained that which I sought—reputation. I was accounted

the leader of the fast set—the "All Knights" as we were known—and I was the envy and admiration of my followers. But this bred in me an arrogance that proved my undoing. It was necessary for me to be masterful in order to carry off the pose of leadership, but I had not yet learned when to conciliate.

It so happened that in the spring of my junior year my creditors became more than usually pressing, and at the same time a Jew by the name of Poco Abrahams began to threaten suit on a note of mine for two thousand dollars, which I had discounted with him for seven hundred and fifty. I made my usual demands upon my friends and offered to do them the favor of letting them go on some more of my paper, but without the usual result. I then discovered to my annoyance that a wealthy young fellow known as "Buck" de Vries, who had considered himself insulted by something that I had said or done, had been quietly spreading the rumor that I was a sort of hocus-pocus fellow and practically bankrupt, that my pretensions to fashion were ridiculous, and that I made a business of living off other people. Incidentally he had gone the rounds, and, owing to the rumors that he himself had spread, had succeeded in buying up most of my notes at a tremendous

discount. These he lost no time in presenting for payment, and as they amounted to several thousand dollars my hope of reaching a settlement with him was small. In point of fact I was quite sure that he wanted no settlement and desired only revenge, and I realized what a fool I had been to make an enemy out of one who might have been an ally.

In this embarrassing situation I bethought me of old Mr. Toddleham, and accordingly paid him an unexpected visit at Barristers' Hall. It was a humid spring day, and I recall that the birds were twittering loudly in the maples back of the Probate Office. As befitted my station at the time of year, I was arrayed in a new beaver and a particularly fanciful pair of rather tight trousers.

"Come in," squeaked Mr. Toddleham, and I entered easily.

The old lawyer peered quizzically at me from behind his square-boned spectacles.

"Oh," said he, "it's you, Master Quibble."

"The same, and your most obedient," I replied, letting myself fall gracefully into a chair and crossing my legs.

"You want money, I suppose?" he continued, after a few minutes, during which he inspected my get-up with some interest.

"Well," I commenced lightly, "the fact is I am rather pressed. I thought if you could make me a small advance out of my grandfather's legacy——"

"Legacy! What legacy?" he inquired.

"The legacy my grandfather left me."

"He left you no legacy," retorted the old gentleman. "Your grandfather, to whom you were once so considerate as to refer in my presence as a pig, left you no legacy. He directed that as long as you seemed to deserve it I should spend a certain sum on your maintenance and education."

"Gad!" I cried. "That puts me in a nice position!"

The old lawyer looked at me whimsically.

"My gay young man," he remarked finally, "the only position you occupy is one into which you have deliberately walked yourself. You come here in your fine clothes and your beaver hat and—excuse me—your whiskers, and you are surprised that there is no money forthcoming to pay your debts. Do not look astonished. I know and have known for a long time of your debts. I have followed your career with attention if not with edification. Even for the son of a Baptist minister you have done pretty well. However, life is life and everybody is not the same. I sha'n't judge you. I was a bit of a dog myself, although I don't

look it now. But I can give you no more money for game-cocks and cigars. It is time for you to start in and earn your own living—if you can. At the end of the term I will give you fifty dollars and a ticket to New York, or one hundred dollars and no ticket to anywhere. You will have to kick out for yourself. So fine a fellow," he added, "ought not to find it hard to get along. No doubt you could find some rich girl to marry you and support you in idleness."

I flushed with anger and sprang to my feet.

"I did not come here to be insulted!" I cried furiously.

Old Mr. Toddleham chuckled apologetically.

"Tut, tut! No offence. You wont find earning your living such an easy matter. Have you thought anything about what you'll do?"

"No," I answered, still indignant.

"How much do you owe?"

"About forty-eight hundred dollars."

"Damme!" muttered Mr. Tuckerman Toddleham. "More than you could earn in the first five years at the law!"

"See here," I interrupted, "do you seriously mean that except for fifty dollars or so there is nothing coming to me out of my grandfather's estate? Why, he was worth over a million!"

"That is exactly what I mean," he returned. "He left you nothing except an allowance for your education during your good behavior. He made me the judge. I'm your trustee and I can't conscientiously let you have any more money to drink up and gamble with. It's over and done with." He rapped with an air of finality on his desk with the little bronze horse.

"Who gets all the money?" I asked ruefully.

"The Society for the Propagation of Free Thinking," he answered, eyeing me sharply.

"I should think anything like that ought to be contrary to law!" I retorted. "It ought to be a crime to encourage atheism."

"It's a good devise under our statutes!" he answered dryly. "I suppose your own faith is beautiful enough, eh?"

I did not respond, but sat twisting my hat in my hands. Through the open window the soft damp odors of spring came in and mingled with the dusty smell of law books. So this was law! It suddenly struck me that I was taking the loss of over a million dollars very resignedly. How did I know whether the old boy was telling me the truth or not? He had drawn the will and got a good fee for it. Certainly he was not going to admit that there was anything invalid about it.

Why not study law—I might as well do that as anything—and find out for myself? It was a game worth playing. The stakes were a million and the forfeit nothing. As I looked around the little office and at the weazened old barrister before me, something of the fascination of the law took hold of me.

"I rather think I should like to study law myself," I remarked.

He looked at me out of the corners of his bead-like little eyes.

"And break your gran'ther's will, mebbe?" he inquired slyly.

"If I can," I retorted defiantly.

"That would be better than fighting cocks and frittering your time away with play actors," said he.

"Mr. Toddleham," I returned, "if I will agree to turn over a new leaf and give up my present associates, will you continue my allowance and let me stay on in Cambridge and study law?"

"If you will agree to enter my office and study under my supervision—yes."

Once more I glanced around the little room. Somehow the smell of decaying leather did not have the same fascination that it had exercised a few moments before. The setting sun sinking over the Probate Office entered the window and

lingered on the stern old face of the Hon. Jeremiah Mason over the fireplace. The birds twittered gayly amid the branches by the window. Spring called me to the open air, to the world outside, to the future.

"Give me fifty dollars and my ticket to New York," said I.

. . . . . .

It had so happened that at the time of my visit to Mr. Toddleham my credit, and consequently my ready funds, had become so reduced that I had only a dollar or two in my pocket. Therefore the check for fifty dollars that the old gentleman had carefully drawn for me with his quill pen and then had as carefully sanded over was by no means inopportune. I took the shore-car back over the Warren Avenue Bridge, depressed at the thought of leaving the scene of my first acquaintance with the world and at the same time somewhat relieved, in spite of myself, by the consoling thought that I should no longer be worried by the omnipresent anxiety of trying to escape from duns and Jews.

Resolved to terminate my collegiate career in a blaze of glory, I went the rounds of the college buildings and bade all my friends to a grand celebration at the Tavern, where, owing to the large

amount of trade that I had been able to swing to it, my credit was still good. Even "Buck" de Vries was not forgotten, and without a suggestion of my contemplated departure I entertained my colleagues royally with a bowl of punch brewed after a celebrated Cambridge recipe, which in a decadent age spoke eloquently of the glories of the past. I was in the midst of a highly colored speech—during which I must confess de Vries had eyed me in a somewhat saturnine manner—when the proprietor tapped me on the shoulder and said that I was wanted outside. Excusing myself I stepped to the door only to be unexpectedly confronted by the local sheriff, who apologetically informed me that he held a warrant of attachment for my worldly goods and another for the arrest of my very worldly person. With admirable presence of mind I requested his patience until I should find my coat, and returning via the buttery made my escape from the premises by means of the rear exit. *Sic gloria transit!* That night I slept under the roof of the amiable Quirk in Methuen, and the day after reached New York, the city of my future career.

CHAPTER II

MY arrival in the metropolis was unaccompanied by any newspaper comment or by any particular excitement on the part of the inhabitants. I simply landed, after a seven hours' journey from Boston, with a considerable quantity of fine raiment—rather too fine, as I soon discovered, for the ordinary uses of a serious-minded, working youth—some fifty odd dollars, and a well-developed bump of self-confidence that was supported by a strong reserve resolution not to let anybody get ahead of me. I had all the assurance of a man double my years and an easy way of making acquaintances that was destined to stand me in good stead, but I do not wish to be understood as admitting that my manners were offensive or that I was in any degree supercilious. I was simply a good fellow who had always enjoyed the comradeship of other good fellows, and as a result felt reasonably sure that the rest of the world would treat him kindly. Moreover, I could dissemble without difficulty and, if occasion arose, could give the

impression of being a diffident and modest young man, ready and anxious to order himself "lowly and humbly before his betters."

Yet I had seen enough of the world to know that unless a man puts a high appraisal upon his attainments and ability no one else is likely to do so, and that the public takes one, nine times out of ten, at his own valuation. Coming to the clay itself: I wore my hair rather long, with an appreciable modicum of bear's grease well rubbed in, side whiskers and white beaver, and carried a carpet bag on which was embroidered a stag's head in yellow on a background of green worsted. And the principal fact to be observed in this connection is that, instead of creating a smile as I passed out of the Grand Central Station, I was probably regarded as a rather smart and stylishly dressed young man.

I had a card to some young actors in the city, given me by my Thespian friends in Boston, and it proved but a short trip on the horse-cars down Fourth Avenue to the locality, near the Academy of Music, then as now frequented by the fraternity. I began my professional career, then, by taking lodgings in an actors' boarding-house, and I am free to confess that at that time I was undecided whether to follow the bar or the boards. I have

since frequently observed that the same qualities make for success in both, and had it not been for the fact that I found my new friends somewhat down at the heels and their rate of emolument exceedingly low, as well as for a certain little incident to be recounted shortly, I might well have joined the group of future Booths and Forrests that loitered along the near-by Rialto, looking for jobs as Roman soldiers or footmen in some coming production.

But the change from my well-appointed lodgings in Cambridge and my luxurious surroundings at the Cock and Spur to a distinctly shabby theatrical boarding-house, where the guests plainly exhibited traces of the lack of proper ablutional facilities and the hallways smelt of cabbage and onions, was a distinct shock to my highly sensitive tastes. However, my new acquaintances proved warm-hearted and hospitable and did everything in their power to make me feel at my ease, with the result that in spite of the cabbage and the wooden slats that served as springs in my bed—which nearly filled the rear hall bed-room I had hired for one week at four dollars and twenty-five cents—I resolved to postpone entering upon an active career until I should know the city better and have made a few friends.

Those of my new comrades who were lucky enough to have employment did not rise in the mornings until in the neighborhood of twelve o'clock, and those who had no employment at all followed their example. I thus found myself adopting of necessity, as it were, the pleasant practice of sauntering out on Broadway after a one-o'clock breakfast, and of spending most of the afternoon, evening, and following morning in or about the same locality. We usually went to some theatrical show on what was known as "paper," and I afterward joined my actor friends at a restaurant, where we sang songs and told stories until the gas-lamps were extinguished and gray dawn crept over the house-tops. Downtown—into the mysterious district of Wall Street—I did not, as yet, go, and I might still be haunting the stage entrances of the theatres had it not been for an adventure in which I was an involuntary participant.

It so happened that among my new acquaintances was a careless, rattle-brained youth known as Toby Robinson, who in spite of some histrionic ability was constantly losing his job and always in debt. He was a smooth-faced, rather stout, good-natured-looking person, of the sort who is never supposed to have done harm to anybody. Not

long before he had enjoyed a salary of fourteen dollars per week, but having overslept several times running he had been discharged for absence from rehearsals. He had reached the limit of his resources about the time of my arrival in the city and had been in a most lugubrious frame of mind when I first had the honor of his acquaintance. Suddenly, however, he appeared one day with a large roll of bills and enterd upon a period of lubrication and open-handed hospitality, in which we all participated. During this season of good cheer, as Toby and I were strolling down Broadway one afternoon, an ugly looking man who had been following us stepped forward and, touching my friend on the shoulder, said gruffly:

"The captain wants to see you."

The uttering of these cryptic syllables produced a most extraordinary effect upon my companion, for he turned deadly pale and the perspiration collected in beads upon his temples, while he commenced to wring his hands and bemoan his ill fortune.

"What is the trouble?" I inquired in great solicitude.

The belligerent stranger, however, pushing between us, grasped Toby firmly by the arm and marched him across the street, while I trailed be-

hind in the nature of a rear guard. I had already begun to suspect that the ugly man was none other than an officer of the law, and visions of myself locked up in jail as a possible accomplice, although innocent of wrong-doing, hovered in my mind. Toby, giving every indication of guilt, slouched along beside his captor, occasionally glancing shamefacedly over his shoulder.

We were now nearing a police station, and our companion, for the first time showing any sign of personal interest, inquired if we had a lawyer. On receiving a negative reply, the officer strongly recommended our immediately retaining counsel in the person of one Gottlieb, who could be found across the street from the police station and whose precise whereabouts were made obvious by means of a large sign about six feet by three and one-half in size, reading as follows:

ABRAHAM GOTTLIEB'S
LAW OFFICE

NOTARY	DEEDS
RENTS COLLECTED	BAIL BONDS
INSURANCE	GENERAL ADVICE

Without giving Toby time for consideration the officer led us across the street and into the stuffy little den occupied by the lawyer.

"Here's the gent I told you of," said he, nodding in the direction of a hawk-faced little man smoking a vile cigar, who was sitting with his feet upon a table. "I'll leave you alone," he added, and sauntering across the threshold, took his stand in front of the window outside.

"Howdy," remarked Gottlieb, without arising or removing his cigar. "Mike tells me you're charged with obtaining money by false pretences."

"What!" gasped Toby, grasping the table for support. "False pretences!"

"Flying a bit of bad paper, eh? Come now, didn't you cash a check on the Cotton Exchange Bank for about six hundred dollars when there was only fifteen on deposit? Don't try to bluff me. I know your sort. Lucky if you don't get ten years."

"Save me!" wailed Toby. "Yes, I did cash a check, come to think of it, for that amount, but I had no idea my account had run so low."

Mr. Gottlieb spat into a sawdust box under the table and winked with great deliberation.

"How much have you got left?" he inquired indifferently.

Toby delved into his breeches and with trembling hands produced a roll of bills still of some dignity. Gottlieb stretched forth a claw, took them,

placed them in his own pocket, and then swung his feet to the floor with alacrity.

"Come on, my lads," he exclaimed, "and I'll show you how we get the sinners off! All right, Mike." And he led the way across the street and into the station-house, where poor Toby was searched and his pedigree taken down by the clerk. It being at this time only about eleven in the morning we were then conducted to the nearest police court, where we found already in attendance the unfortunate hotel keeper who had so unwisely honored Toby's check.

"You rascal!" he shouted, struggling to reach my unfortunate friend. "I'll show you how to take other people's money! I'll put you where you belong!" But the officers haled him back and he was forced to restrain himself until he could tell his story to the judge. This, it so happened, was not to be for several hours, and during this interval Gottlieb mysteriously vanished and as mysteriously reappeared. It was half after three before the judge announced that he would take up Toby's case. Now, the judge looked even more of a rascal than did Gottlieb, which was paying his Honor a high compliment, and I suspect that it was for this reason that the complainant had in the meantime sent round for his own lawyer to represent him.

We were now pushed forward and huddled into a small space in front of the rail, while the lawyers took their places upon the platform before us.

"Your Honor," began the lawyer for the hotel man, "this fellow here has swindled my client out of six hundred dollars by inducing him to cash a worthless check."

"What have you to say, Mr. Gottlieb?" asked the judge.

"Confession and avoidance, your Honor," replied the attorney, with what appeared to me to be the slightest possible drawing down of his right eyelid. "Confession and avoidance. We admit the fact, but we deny the imputation of guilt. My client, Mr. Robinson, whose abilities as an actor have no doubt hitherto given your Honor much pleasure, was so careless as to forget the precise amount of his bank account and happened to draw a check for too large an amount. No one was more surprised and horrified at the discovery than he. And his intention is at once to reimburse in full the complainant, whose action in having him arrested seems most extraordinary and reprehensible."

"Your Honor," interrupted the other lawyer, "were there the slightest possibility of any such outcome I should be glad to withdraw the charge;

but, as a matter of fact, this person is a worthless, lazy fellow who has not a cent to his name, and who induced my client to cash his check by leading him to believe that he was a man of substance and position. No doubt he has spent the money, and if not we might as well try to squeeze it out of a stone. This fellow is guilty of a crime and he ought to be punished. I ask your Honor to hold him for the grand jury."

"Well, Mr. Gottlieb," remarked the judge, "tell me, if you can, why I should not lock your client up. Did he not falsely pretend, by requesting the complainant to cash the check, that he had money in the bank to meet it?"

"By no means, your Honor," answered Gottlieb. "The proffering of a check with a request for money thereon is merely asking that the money be advanced on the faith that the bank will honor the demand made upon it. One who cashes a check does so at his own risk. He has a full remedy at civil law, and if the bank refuses to pay no crime has been committed. This is not a case for the penal law."

"That seems reasonable," said the judge, turning to the other. "How do you make this out a crime? What false pretence is there in merely inviting another to cash a check?"

"Why," answered the attorney, "if I ask you to cash a check for me, do I not represent that I have a right to draw upon the bank for the amount set forth? If not, no one would ever cash a check. The innocent person who advances the money has the right to assume that the borrower is not offering him a bad check. There is a tacit representation that the check is good or that the maker has funds in the bank to meet it."

"True—true!" nodded his Honor. "There is something in what you say. What answer can you make to that, Brother Gottlieb?"

"I have a hundred good arguments," replied the lawyer in a low tone. Then he added briskly: "But the intent, your Honor! There can be no crime without a wrongful intent; and how can there have been any such when my client honestly believed that he had the money in the bank to meet the check?"

"But," cried the other, "he knew very well he had not!"

"What evidence have you to that effect?" queried Gottlieb. "You say so, to be sure, but I, on the contrary, assert that he was perfectly honest in the matter. Now, there is absolutely nothing in this case to prove that he had any guilty knowledge to the effect that his account was too low to

meet the draft in question. You have proven no scienter whatever."

"Ah!" exclaimed the judge. "That is it! You have shown no scienter!"

"Exactly!" cried Gottlieb—"no scienter at all."

"But how in the world could I have proved a scienter?" wrathfully demanded the lawyer. "I can't pry open the prisoner's skull and exhibit his evil intent."

"No, but you could have shown that he knew he had only a few dollars in the bank by the fact that he had previously tried to cash a similar check and that it had been returned. In any event, my own mind is clear on the subject. You have shown no scienter. The prisoner is discharged."

Poor Toby was so overcome by his unexpected release that he began to stammer out incoherent expressions of gratitude to the judge, such as "Oh, thank you, your Honor! God bless your Honor! Thank you, your Honor! I am an innocent man, your Honor!" until Gottlieb, grasping him by the arm, dragged him away from the rail and pushed him into the street. The complainant and his attorney indignantly followed us, the former loudly deploring the way modern justice was administered. Once outside Gottlieb shook hands with Toby and told him if he were ever in

trouble again to look him up without fail. Toby promised gratefully to do so, and the lawyer was about to leave us and enter his office when it occurred to me that he still had my friend's roll of bills.

"But, Mr. Gottlieb," said I, "you are going to return Mr. Robinson's money to him, are you not?"

"What!" he exclaimed, growing frightfully angry. "Give him back his money! I have no money of his. It is he owes me money for keeping him out of jail."

"But how about the roll of bills?" I protested. "You certainly do not intend to keep all of that?"

"Certainly—that is my fee," he retorted calmly; "and small enough it is too!"

"How much was there in that roll, Toby?" I asked.

"About five hundred dollars," answered my friend. "But let him keep it, by all means!"

"Why," I exclaimed, "he has done nothing to earn such a fee. He merely got up and said that you had no scienter—whatever that is. It is not worth more than ten dollars!"

"Ten dollars!" shouted Gottlieb. "Ten dollars! Why scienter is one of the most complicated and technical defences known to the law. Ten dollars! Scienter is worth a thousand! Your ras-

cally friend got his money for nothing, didn't he? He's lucky to be outside the bars—for if I ever saw a guilty man he's one. Get along, both of you, or I'll call an officer!"

And with that Gottlieb slipped inside his office and banged the door.

"Come along, Quib!" urged Toby; "there's a great deal of truth in what he says. I don't begrudge it to him. It was well worth it to me."

"Lord!" I groaned. "Five hundred dollars just for scienter. If that is the law, then I'll turn lawyer."

And with that idea growing more firmly each moment in my mind I returned to the boarding-house with my friend.

CHAPTER III

I AM free to confess that the ease with which Counsellor Gottlieb had deprived my friend Toby of the ill-gotten proceeds of his check—or, for his sake putting it more politely, had earned his fee—was the chief and inducing cause that led me to adopt the law as a career. I shall not pretend that I had any lofty aims or ambitions, felt any regard for its dignity or fascination for the mysteries of its science when I selected it for my profession. My objects were practical—my ambition to get the largest financial return consonant with the least amount of work. My one concrete experience of the law had opened my eyes to its possibilities in a way that I had never dreamed of, and I resolved to lose no time in placing myself in a position to rescue others from harm on the same pecuniary basis as did Mr. Gottlieb.

Of course I realized that I must serve an apprenticeship, and indeed the law required that were I not a graduate of a law school I must have worked as a clerk for two years before I could be

admitted to the bar. Accordingly I began to make inquiries as to what were the best law firms in the city, and before long had acquired pretty definite information as to who were and who were not in high standing. Now, I had no letters of introduction and nothing to recommend me except a certain degree of maturity and a cultivated manner of speaking, and I might and probably should have been trying to this day to break into some sedate and high-toned old-fogy office had it not been for one of those accidents with which my career has been replete.

I had visited all the firms on my list without finding any who wanted to take in a student. Indeed all the offices seemed filled if not crowded with studious-looking young men whose noses were buried in law books. In one or two, to be sure, I might have secured admittance and been given desk room in exchange for the services of my legs as a runner of errands and a server of papers, but none had any idea of paying anything. The profession at the bottom was more overcrowded than the gallery of the Academy of Music when they ran Rosedale. Each night as I returned to my lodgings I felt more and more discouraged. Its smell of cabbage came to have for me an inexpressible sensation of relief, of protection, even of

luxury. Here, at any rate, even in an actors' boarding-house, I was independent, as good as anybody, and not regarded as if I were a beggar on the one hand or a questionable character on the other.

. How long this might have continued I have no means of knowing, but one afternoon as I was trudging uptown, still holding in my hand a copy of a legal journal, the advertisements in which I had been engaged in sedulously running down, my attention was attracted by a crowd gathered in the street around a young man who had been so unfortunate as to be run over by a stage. There was nothing external to indicate the extent of his injuries, and as I drew nearer two persons assisted him to his feet and began to lead him toward the nearest store. Having nothing better to do I walked along with them, and after they had gone inside remained looking curiously through the window. While I was thus engaged a stout, bustling man of about forty years of age came hurrying down the sidewalk and turned to enter the store. As he did so he observed me apparently waiting there and his eye with a quick glance took in the title of the paper in my hand. Instantly he stepped up beside me and tapping me on the arm said in a low tone:

"Whom do you represent?"

I was somewhat taken aback by this inquiry, not seeing at the moment its immediate relation to the business in hand, but for want of a better answer I replied in the same spirit:

"Artemas Quibble."

"Oh! Quibble, eh! I've heard of him. But look here, my young friend, there is no reason why honest men should cut one another's throats. Tell my friend Quibble I was here before ye and keep this for yourself."

And with that he peeled a twenty-dollar bill from the top of a heavy roll that he produced from his pocket and placed it within my palm.

"Very good," said I. "It may cost me dear if Quibble hears of it; but a man must live, and I work at starvation wages."

I placed the bill in my breast pocket and made way for him to enter the store, which he did without more ado. Why this busy gentleman should gratuitously present me with twenty dollars did not at the moment occur to me. I continued on my way northward, pondering upon the question, and passed the street upon which the police court was located and Counsellor Gottlieb had his office. The thought came into my mind that here was the very person to shed light upon the subject and I turned the corner and opened the door. Gottlieb

was in his customary position with his feet elevated upon the table before him.

"Well," he said, "I didn't expect you back so soon."

"I've come for free advice this time," I answered smiling.

"Oh," he grunted. "Well, in that case perhaps you won't get it."

Somehow I had taken a shine to the fellow, for all his robbery of poor Toby, and I admired his quickness of perception and readiness of speech. Perhaps he too felt not unkindly toward me. At any rate I told him my story.

"Now," says I, "what d'ye make of it?"

Gottlieb laughed.

"Was he a fat little turkey with gray eyes?" he inquired.

"The same," I replied.

"Then it was Tom Kelly," he answered. "On his daily still hunt for the maimed, the halt and the blind. You say the chap had been run over by the stage? Well, Tom'll take his case on a contingent fee—fifty per cent. to Tom and fifty per cent. to the client of all that comes of it—bring an action against the stage line and recover heavy damages. Oh, it's terrible to think what that poor injured young man will suffer. To-day he

may feel quite well, but to-morrow he will have all kinds of pains in his head and eyes, his spine will ache, he will experience symptoms of a nervous breakdown. He will retire to bed and not emerge for six months, and when he does he'll be a hopeless and helpless cripple for life. Tom is an artist, he is, in his own line. They tell me he made sixty thousand last year out of his accident practice alone. Why, the case he gave you twenty to keep out of may net him five thousand dollars."

"If I'd known that it would have cost him fifty!" I said, feeling that an unjust advantage had been taken of me.

"Twenty is the regular rate," answered Gottlieb. "There are too many chances to make it worth much more merely to get the other fellow out of the way. Sometimes, though, I've paid as high as fifteen hundred for a case."

"Fifteen hundred!" exclaimed I.

"Yes, and got a verdict of nineteen thousand, of which I pocketed ninety-five hundred and four hundred dollars costs besides."

"Whew!" I whistled.

"Oh, there's pretty good pickin's on occasion even for a police-court lawyer," he continued; "but it's nothin' to the return from what I might call legitimate practice. Now, there's old Haight, of

Haight & Foster, for instance. He gets half a dozen twenty-thousand-dollar fees every year, and all he has is a strictly old-fashioned probate and real-estate practice and a little of this new-fangled railroad business. My great regret is that I didn't stick to regular trade instead of going after easy money. Who's Gottlieb now? Just a police-court lawyer, when he might be arguing before the Supreme Court of the United States! My brain's just as good as Haight's. I've licked him many a time in my young days. And then I get tired of all this hogwash! I tell you it's dirty business, most of it!"

"Well," I answered, remembering "scienter," "I've no doubt that you could beat them all. But I fancy you have nothing to complain of in the way of returns, yourself. What worries me is how to get any start at all. I've tried half the law offices in town."

Gottlieb listened with some interest as I outlined my experiences.

"But," he exclaimed, "you didn't go to the right person. You should have tackled the head of the firm himself. Find some sort of an introduction. Flatter him. Offer to work for nothing—and, trust me, he'll have you. Now, my advice is to go straight to old Haight and make up your

mind to get into his office willy-nilly. It'll be worth three thousand a year to you to graduate from there. It'll give you the tone you need in the profession. There are two qualities that make for the highest success in the law—honesty and dishonesty. To get ahead you must have one or the other. You must either be so irreproachable in your conduct and elevated in your ideals that your reputation for virtue becomes your chief asset, or, on the other hand, so crooked that your very dishonesty makes you invaluable to your clients. Both kinds of lawyers are equally in demand. Some cases require respectability and some dirty work. But the crooked lawyer has got to be so crooked that everybody is afraid of him, even the judge. Now, the trouble with me is that I'm too honest. Sometimes I wish I were a crook like the rest of them!"

He sighed deeply and slowly drew down his left eyelid.

"Thank you, Mr. Gottlieb," said I, suppressing an inclination to smile. "I'll take your advice. Perhaps you'll let me talk to you again later on."

"Come as often as you like," he replied. "And look you, young-feller-me-lad, I'll give you half of all the profits I make out of any business you bring me. You don't have to be a lawyer to get clients.

Hustle around among your friends and drum up some trade and you'll do almost as well as if you could try cases yourself. For every dollar I earn you get another. Is it a go?"

"Surely!" I cried. "And if I'm not very much mistaken I'll not be long about it, for I have an idea or two in my head already."

The next day I again presented myself at the office of Haight & Foster, where I had already applied for a position to the chief clerk. This time I asked for the head of the firm himself, and I was amused to see that whereas before I had been almost kicked out of the office, I was now treated with the respect due to a possible client. After a wait of some twenty minutes I was ushered into a large sunny office lined with books and overlooking the lower East River. Mr. Haight was a wrinkled old man with a bald scalp covered with numerous brown patches about the size of ten-cent pieces. A fringe of white hair hung about his ears, over one of which was stuck a goose-quill pen. He looked up from his desk as I entered and eyed me sharply.

"Well, Mr. Quibble," he began gruffly, as if he were about to add "out with what you have to say, young man, and be gone as soon as possible!"

"Mr. Haight," said I with great deference, "I have called on you at the suggestion of my guardian

and trustee, Mr. Tuckerman Toddleham, of Barristers' Hall, Boston, to inquire whether I may not be allowed the great privilege of a desk in your office. I am a Harvard man, born in Salem, and of an old Massachusetts family. Ever since I made up my mind as a boy to enter the law it has been my ambition to study in your office; and, I may add, it is also the earnest hope of my guardian, Mr. Toddleham."

"Do you refer to the Mr. Toddleham of 'Toddleham on Perpetuities'?" he asked with some interest.

"The same," I answered, for although I had never heard of the work in question, it seemed just the sort for old Toddleham's production.

"I am glad to know you, Mr. Quibble," he exclaimed, extending his hand. "I have often wished that I could meet your guardian and ask the great Mr. Toddleham face to face what he really thinks of the Rule in Shelley's Case—what do you think of it? What *was* the Rule in Shelley's Case, may I ask?"

Now, I had never heard of the rule in question, so for want of a better answer I replied:

"The law is no respecter of persons. I suppose the rule was *the same in his case as in any other.*"

Mr. Haight looked at me strangely for a moment and suddenly began to chuckle. Then he eyed me

again and chuckled still more. Finally he laid aside all modesty and hugged himself with delight.

"I see that you are a man of *esprit!*" he remarked between spasms. "I shall be glad to take you into my office. You may go and introduce yourself to Mr. Spruggins, the chief clerk."

Thus it was that I secured my first slender foothold at the bar of New York, and it was not for several years that I discovered that the Toddleham who had written the book on Perpetuities was an entirely different person, belonging to another branch of the family.

Of course I received no compensation for my services at Haight & Foster's, but that was the customary rule with all students. As a result we were not strictly tied down in our attendance at the office. I really believe it would have been cheaper for the firm to have paid a small salary to their clerks, for it would then have been in a position to demand much more of them in return. As it was I found myself able to come and go about as I chose, and being obliged to support myself in some way my attendance at the office was quite irregular. But I was started at last and belonged somewhere. No longer was it necessary for me to wander about the streets looking for a place to

"I see that you are a man of *esprit*! I shall be glad to take you into my office"

hang my hat, and I already had schemes in mind whereby I was soon to become rich.

My associates in the office were all scholarly, respectable young men, most of them law-school graduates and scions of well-known families, and I was not insensible to the advantage to me that my connection with them might be later on. It was essential that I should impress them and the firm with my seriousness of purpose, and so I made it a point, unpleasant as I found it, to be on hand at the office every morning promptly at eight-thirty o'clock, ready to arrange papers or serve them, and to be of any assistance, no matter how menial, to Mr. Spruggins, whose sense of dignity I took pains to flatter in every way possible. In the afternoon, however, I slipped away on the pretext of having to go uptown to study, but in point of fact in order to earn enough money to pay for my board and lodging.

I had been cogitating several ideas since I had visited Gottlieb, and the one that appealed to me the most was that of procuring of business for other lawyers upon a percentage basis. I reasoned that there must be several hundred thousand people in the city who had no acquaintance with lawyers and would be as ready to consult one as another. Reputable lawyers did not advertise, to

be sure, but I was not yet a lawyer, and hence many courses were open to me at this stage in my career that would be closed later on. I had considerable confidence in my own persuasive ability and felt that it was only a question of time before I could drum up a substantial amount of business. Accordingly I had a few cards neatly printed on glossed board reading:

MR. ARTEMAS QUIBBLE
BROADWAY

OF
HAIGHT & FOSTER
ATTORNEYS-AT-LAW
10 WALL STREET
NEW YORK CITY

Contracts
Mortgages
Tax Matters
General Advice

The Haight & Foster end of the card was done in very heavy type, while my own name was comparatively inconspicuous. Further to assist my plans I rented a tiny office not far from Madison Square for the sum of two dollars per week and furnished it with a table, two chairs, and an inkpot. The door bore the inscription:

OFFICE OF
ARTEMAS QUIBBLE, ESQ.
COUNSELLOR

The reader will observe that not being authorized as yet to practice as an attorney I was scrupulous

not to hold myself out as one. "Counsellor" might mean anything. Certainly I had the right to give counsel to such as desired it. Here I might be found at and after half-past one of every day, having already done five hours' work at the office of Haight & Foster. I still had enough funds to carry me for some three weeks and so felt no immediate anxiety as to the future, but I realized that I must lose no time in getting out my tentacles if I were to drag in any business. Accordingly I made myself acquainted with the managers and clerks of the neighboring hotels, giving them the impression, so far as I could, that Haight & Foster had opened an uptown office and that I was in charge of it. I made friends also with the proprietors and barkeepers of the adjacent saloons, of which there were not a few, and left plenty of my cards with them for distribution to such of their customers as might need legal assistance, in each case promising that any business which they secured would be liberally rewarded. In short, I made myself generally known in the locality and planted the seed of cupidity in the hearts of several hundreds of impecunious persons. It was very necessary for me to net ten dollars per week to live, and under the circumstances it seemed reasonable to believe that I could do so.

Almost at the outset I had a piece of luck, for a guest at a Fifth Avenue hotel was suddenly stricken

with a severe illness and desired to make a will. It was but a few days after I had called upon the manager, and, having me fresh in his mind, he sent for me. The sick man proved to be a wealthy Californian who was too far gone to care who drew his will so long as it was drawn at all, and I jotted down his bequests and desires by his bedside. I had originally intended to go at once to Mr. Haight and turn the matter over to him, but my client seemed so ill that it appeared hardly necessary. I persuaded myself with the argument that the affair required a more immediate attention than the office could give, and accordingly decided to draw the will myself and incidentally to earn the whole fee. The proceeding seemed honest enough, since, although I had been introduced as representing Haight & Foster, the sick man had never heard of them before and obviously did not care one way or the other.

I had never drawn a will or any other legal paper, but I lost no time in slipping around to Gottlieb's office and borrowing a work on surrogates' practice, including forms, with which under my arm I hurried back to my office. Here after a good many unsuccessful attempts I produced a document sufficiently technical to satisfy almost any layman and probably calculated to defeat

every wish of the testator. Of this, however, I was quite ignorant, and do myself the justice to say that, had not that been the case, I would not have attempted what I now know to have been an impossible task for one of my lack of legal education. I carefully engrossed the will in long hand on fresh foolscap, ornamentd it with seals and ribbons and, returning to the hotel, superintended its execution. My client asked me how much was my fee and I modestly replied—as I never expected to see him again this side of the grave—that my charge would be one hundred and fifty dollars. He nodded, and indicating his pocketbook, told me to help myself, which I did, regretting not having asked for more. That night he died, and my impromptu will was forwarded to California and became the subject of a litigation lasting over eleven years and costing several hundred thousand dollars.

It thus happened that my eagerness to begin to build up my material fortunes, coupled with the necessity of having a techincal connection with a regular firm of lawyers, resulted in my leading a sort of double legal existence. In the morning I was a mere drudge or office devil, in the afternoon I was Counsellor Quibble, head of his own office and my own master. Having now a captial of one hundred and fifty dollars I was in a position to

put one of my schemes into practice, and accordingly I drew up with great care the following instrument, copies of which I had struck off by a theatrical job printer near by:

This Agreement made this .... day of....., 1878, between....., of the City and County of New York, party of the first part, and Artemas Quibble, Esquire, of the same, party of the second part, Witnesseth:

That the said party of the first part in consideration of one dollar to him in hand paid upon the first day of each month by the party of the second part, hereby covenants and agrees to employ at a reduced rate the said party of the second part to look after all legal matters that may arise in his business and to recommend said party of the second part to his friends and acquaintances as a suitable person to perform the like services for them; in the latter event the said party of the first part to receive as a further consideration a commission of one-third of the fees of the party of the second part procured therefrom.

In Witness Whereof we have hereunto set our hands and seals the day and year above named.

.....(*)

.....(*)

Armed with these insinuating documents I procured a fresh roll of one hundred one-dollar bills and set forth to interview all whose acquaintance I had made in the course of my brief residence in

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the city. My argument ran thus: Almost anybody would be willing to receive a dollar every month in return for a service that would cost him nothing. With an outlay of one hundred dollars I could have a hundred persons virtually in my employ trying to get me business. After the first month I could discontinue with those who seemed likely to prove unremunerative. Almost any case would return in fees as much as my original disbursement. On the whole it seemed a pretty safe investment and the formal-looking contract would tend to increase the sense of obligation upon the contracting party of the first part. Nor did my forecast of the probabilities prove at all wide of the mark. Practically every one to whom I put the proposition readily accepted my dollar and signed the agreement, and at the end of a week my one hundred dollars had been distributed among all the cab drivers, conductors, waiters, elevator men, clerks, bartenders, actors, hall boys, and storekeepers that I knew or with whom I could scrape an acquaintance. None of them expected to have any business of their own and all welcomed with delight the idea of profiting by the misfortunes of their friends.

I had often lost or won at a single sitting at cards a much larger sum than the one I was now risking in what seemed an excellent business proposition,

so that the money involved caused me no uneasiness. Besides, I had fifty dollars left in my pocket. Meantime I spent my evenings in my office reading Blackstone and such text-books as I cared to borrow from the well-equipped library of my employers.

Business came, however, with unexpected promptitude. At the end of the first week I had received calls from two actors who desired to sue their managers for damages for breach of contract, five waiters who wished to bring actions for wages due, an actress who wanted a separation from her husband, a bartender who was charged with assault for knocking the teeth of an unruly customer down his throat, and a boy whose leg had been caught under an elevator and crushed. Each of these I made sign an agreement that I should receive half of any sum recovered in consideration for seeing that they received proper legal advice and service, and each of them I sent over to Counsellor Gottlieb, with whom I executed a mutual contract to divide evenly the fees received.

The reader will notice that I did not technically hold myself out as a lawyer in these contracts, and merely agreed to furnish counsel. Thus I flattered myself I was keeping on the lee side of the law. Gottlieb settled the case of the boy for twelve hundred dollars, and we divided six hundred between

us, and the other cases that came in the first month netted us three hundred dollars apiece more. The future began to look bright enough, as I had to distribute as commissions only two hundred dollars, which left me a gross profit of four hundred dollars. With this I secured fifty new contracts, and after paying the second instalments upon all the first I pocketed as a net result two hundred and fifty dollars cash. I now had a growing business at my back, finding it necessary to employ an office assistant, and accordingly selected for that purpose an old actor who was no longer able to walk the boards, but who still retained the ability to speak his part. For a weekly wage of ten dollars this elderly gentleman agreed to sit in my office and hold forth upon my ability, shrewdness, and learning to all such as called in my absence. In the afternoons I assumed charge myself and sent him forth armed with contracts to secure new allies.

My business soon increased to such an extent that it bid fair to take up all my time, and the bookkeeping end of it, with its complicated division of receipts, proved not a little difficult. The amazement of my friend Gottlieb knew no bounds, but as it was a profitable arrangement for him he asked no questions and remained in ignorance as to the source of my stream of clients, until one of

his friends, to whom my assistant had made application, showed him one of the contracts. That night he sent for me to come to his office, and after offering me a very large and exceedingly good Havana cigar delivered himself as follows:

"Harkee, Quib, you are more of a fellow than I took you for. You have more cleverness than any man of your years in my acquaintance at the bar. This scheme of yours, now, it's a veritable gold mine. Not but that anybody could make use of it. It can't be patented, you know. But it's excellently devised; no one will deny that. What do you say to a partnership, eh? On the same terms?"

Now, I had more than once thought of the same thing myself, but the idea of associating myself in business with an out-and-out criminal attorney had to my mind serious drawbacks. We discussed the matter at length, however, and Gottlieb pointed out very wisely that I was running a great risk in distributing broadcast cards upon which appeared the unauthorized name of Haight & Foster, as well as in conducting an office under my own name, when in fact I was but an attorney's clerk downtown. My connection and association with such a reputable firm was an asset not to be jeopardized lightly, and he advised my withdrawing so far as I could all my cards from circulation and conduct-

ing my business *sub rosa*. In the end we came to an understanding which we reduced to writing. I was to become a silent partner in Gottlieb's business and my office was to become a branch of his, my own name being entirely in abeyance. On the whole, this arrangement pleased me very well, as under it I ran practically no risk of having my activities discovered by my employers.

It is somewhat difficult to know just in what order to present these memoirs to the reader, for from this time on my life became a very varied one. Had I the time I should like nothing better than to paint for my own satisfaction an old-fashioned law office as it was conducted in the 'seventies—its insistent note of established respectability, the suppressed voices of its young men, their obvious politeness to each other and deference to clients, their horror at anything vulgar, the quiet, the irritating quiet, Mr. Wigger's red wig—he was the engrossing clerk—the lifelessness of the atmosphere of the place, as if nothing real ever happened there, and as if the cases we prepared and tried were of interest only on account of the legal points involved. When I was there, filing papers in their dusty packages, I used to feel as though I were fumbling among the dust of clients long since dead and gone. The place stifled and depressed me. I longed for

red blood and real life. There I was, acting as a clerk on nothing a year, when uptown I was in the centre of the whirlpool of existence. It was with ill-concealed gratification that I used daily at one o'clock to enter the library, bow to whatever member of the firm happened to be there, remove a book from the shelves and slip out of the door. A horse-car dropped me in half an hour at a hotel near my office. After I had snatched a sandwich and cup of coffee in the café I would dash up to my office—the door of which now bore the lettering:

ABRAHAM GOTTLIEB
ATTORNEY & COUNSELLOR-AT-LAW
BRANCH OFFICE
SIDDONS KELLY, MANAGER

Siddons Kelly was the superannuated actor of whom I have already spoken, and when he was not, so to speak, in drink he was an invaluable person. He had followed the stage all his life, but he was of the sort that tear passion to tatters and he had never risen above third-rate parts. In every respect save declamation he had all the elegances and charm of manner that the stage can give, and he would receive and bow out a scrubwoman who had fallen down a flight of back stairs and

wanted to make the landlord pay for her broken head with a grace truly Chesterfieldian. This was all very fine until he had taken a drop too much, when his vocabulary would swell to such dimensions that the confused and embarrassed client would flee in self-protection unless fortunate enough to be rescued by Gottlieb or myself. Poor Kelly! He was a fine old type. And many a client then and later was attracted to my office by his refined and intellectual old face with its locks of silky gray. An old bachelor, he died alone one night in his little boarding-house with a peaceful smile on his wrinkled face. He lies in Greenwood Cemetery. Over him is a simple stone—for which I paid—bearing, as he had requested, only the words:

SIDDONS KELLY
AN ACTOR

As may well be supposed, my professional career uptown was vastly more entertaining than my experiences at Haight & Foster's. My afternoons were filled with a constant procession of clients of all ages, sexes, colors, and conditions. As the business grew and greater numbers of persons signed our contracts and received their honorarium of a dollar a month, a constantly increasing

percentage of criminal or semi-criminal business came to the office. Of course there was no better criminal lawyer than Gottlieb in the city, and before long the criminals outnumbered our civil clients. At the same time I noticed a tendency on the part of the civil business to fall off, the reason for this probably being that my partner was known only as a criminal attorney. Now, I began to dislike the idea of paying a dollar a month to induce people to refer business to us, and indeed I found that the disbursement of five or six hundred dollars every four weeks for this purpose was no trifling matter. Accordingly I decided to try letting them go for a month or so, but business fell off to such an alarming extent that I almost immediately resumed the contract system, merely reducing its proportions.

In addition to our "dollar-a-monthers," as we called them, Gottlieb employed half a dozen professional "runners," whose sole occupation it was to hunt down unfortunate persons injured accidentally and secure their cases. These employees made a business of joining as many social clubs, labor and other organizations as possible and swinging the business in Gottlieb's direction. At one time the competition for accident cases became so fierce that if a man were run over on Broadway

the rival runners would almost tear him limb from limb in their eagerness to get his case; and they would follow a dying man to the hospital and force their way on one pretext or another to his bedside. There used to be a story, which went the rounds of the clubs and barrooms, of a very swell old buck who owed an enormous amount of money and who happened to be knocked down and rendered insensible by a butcher's wagon. He was taken to the hospital and did not regain consciousness for several hours. When at last he opened his eyes he saw several dozen cards plastered upon the ceiling directly above his head, reading:

GO TO LEVY & FINKLESTEIN ATTORNEYS-AT-LAW WE GET YOU MONEY!	TRY EINSTEIN & GOLDBERG IN THE BUSINESS 30 YEARS
SOLOMONS & MEYER ATTORNEYS CAN GET YOU $5000 FOR A LEG — $10,000 FOR A LIVER	
MOSES BLOOM THE HONEST LAWYER	SAMUEL SHARP COUNSELLOR-AT-LAW

"Ah!" he murmured, rubbing his eyes and turning to the nurse; "I thought I was in some

strange place, but I see that all my friends have been to call already!"

Our criminal business, however, was so extensive that it took practically all of Gottlieb's time, and he found it necessary to hire a couple of clerks to attend to the civil cases that came to us. My partner was obliged to spend the whole of almost every day in attendance at the criminal courts. Frequently he remarked jestingly that under the circumstances, as he had to give all his time to it anyway, he could as easily attend to *all* the criminal business of the city as to the small part of it that came to him.

"Well," I said to him one day, "why don't you?"

"Why don't I what?" he retorted.

"Get all the criminal business there is," I answered.

"Quib," he exclaimed excitedly, "have you got another of your ideas?"

"I think so," I returned. "How does this strike you? Why not issue a policy, like life or accident insurance, in which for a moderate sum you agree to defend *free of charge* any man accused of crime? You know that every criminal is always trying to save up money against the time when he shall be caught and have to hire a lawyer. Now,

it is true that these fellows pay very well, but there are not many that can pay a large fee. If you could get enough crooks to take out a policy at ten dollars each per year you might make a good thing of it."

"But how would we get our scheme going?" inquired my partner, with a gleam in his eye. "It certainly is a gold mine, if it will work."

"Leave the thing to me," I admonished him.

That evening I drew up with great care a policy of insurance against the loss occasioned by having to employ counsel if arrested for crime. On its back was indorsed the following insidious philosophy:

> Innocent men, as well as guilty, are frequently arrested for violating the law. This costs money. Lawyers are notorious extortioners. For ten dollars a year we guarantee to defend you *for nothing* if charged with crime. Twenty-five dollars insures entire family. We make no distinction between ex-convicts and others.
>
> Abraham Gottlieb,
> Of Counsel.

My next task was to boom my scheme by successful advertising, and with this in view I persuaded Gottlieb to issue free policies to a dozen or so of the worst rascals that he knew. Naturally it was not long before one of them was arrested for

some offence, and Gottlieb as naturally succeeded in getting him off, with the as natural result that the fellow went all over town telling how one could be a burglar with impunity for ten dollars a year. At about the same time I heard of a man who was in the Tombs charged with murder, but who was almost certain to get off on account of the weakness of the case against him. I, therefore, visited the defendant and offered to give him a policy for ten dollars, in spite of the fact that he was already in jail. He snatched readily enough at the chance of getting as good a lawyer as Gottlieb to defend him for ten dollars, and when he was acquitted made so much of it that there was hardly a prisoner in the Tombs who did not send for one of our policies to guard against future legal difficulties. To all of these we offered free advice and a free trial upon the charges pending against them, as a sort of premium or inducement to become policy-holders, and in six months had over two hundred subscribers. This meant in cash about two thousand dollars, but it necessitated defending any or all of them whenever they were so unfortunate as to run foul of the police, and as luck would have it out of the two hundred policy-holders forty-seven of them were arrested within the first six months—fifteen for burglary, eleven

for robbery and assault, sixteen for theft, and five for murder. These latter cases took all of Gottlieb's working hours for some seven and a half weeks, at the end of which time he threw up his hands and vowed never to insure anybody against anything again. It was impossible for me to try any of the cases myself, as I was not as yet admitted to the bar, and the end of the matter was that we returned the premiums and cancelled the policies of the remaining one hundred and fifty-three insured. This done, Gottlieb and I heaved sighs of mutual relief.

"You are a clever fellow, Quib," he acknowledged good-naturedly, "but in some ways you are ahead of your time. You ought to have gone into life insurance or railroading. Your genius is wasted on anything that ain't done wholesale. Let's you and me just stick to such clients as come our way in the natural course of events. There isn't any one born yet big enough to do all the criminal law business in this little old town all by himself."

And in this I with some regret agreed with him.

CHAPTER IV

AS I have already taken some pains to indicate, I was fully persuaded of the practical value of a professional connection with a legal firm of so eminent a standing as that of Messrs. Haight & Foster, and for this reason the reader may easily appreciate the shock with which I received the information that my presence was no longer desired in the office.

Mr. Haight had unexpectedly sent me word that I was wanted in the library and I had obeyed his summons without a suspicion that my career as a civil attorney was to be abruptly terminated. As I closed the door behind me I saw the old lawyer standing near the window, his spectacles poked above his eyebrows and his forehead red with indignation. Between the thumb and forefinger of his left hand he held a card.

"So," he exclaimed, vainly trying to appear collected, "I find that my firm has been conducting an uptown office for criminal business! This is one of your cards, I believe?"

He tossed it from him as if it were infected with some virulent legal disease, and I saw that it was one of the unfortunate cards that I had had printed before forming my partnership with Gottlieb. It was no use denying anything.

"Yes," I answered, as quietly as I could, "it is one of my cards."

"I am also informed," he continued, his voice trembling with suppressed wrath, "that while you have been masquerading as a student in this office you have been doing a police-court law business in association with a person named Gottlieb."

I turned white, yet made no traverse of his indictment. I was going to be kicked out, but I felt that I could at least make my exit with a dignified composure.

"Young man, you are no longer wanted here," continued Mr. Haight with acerbity. "You have found your own level without assistance and you will no doubt remain there. You obtained your position in this office by means of false pretences. I do not know who you really are or whence you really come, but I have no doubt as to where you will eventually go. This office does not lead in the right direction. You ought to be locked up! Get out!"

I went.

Glib as I was in the defence of others I found it difficult to argue in my own behalf. At any rate, it would have availed nothing. I had been tried, convicted, and sentenced in my absence, and it was vain to hope for pardon. There is something in righteous indignation that inevitably carries respect with it. I fully sympathized with Mr. Haight. I had cheated and outraged his firm and I knew it. I had no excuse to offer and he was entitled to his burst of excoriation. Morally I felt sure that the worm that had worked deepest into his bone was the fact that my guardian, whose name, as the reader may recall, I had made use of as an introduction, had not in fact written "Tottenham on Perpetuities" at all.

Thus I passed out of the office of Haight & Foster much as I had slipped in—quite unostentatiously. All hope of success along the slow and difficult lines of legitimate practice faded from my mind. Whether I willed it or not, as a criminal attorney I was destined to make my bread.

There was now no reason why Gottlieb and I should any longer conceal our partnership, and we decided, therefore, to go into things on a much larger scale than theretofore, and hired a suite of offices on Centre Street, near the Tombs, where we could be within easy reach of the majority of our

clients. A sign some forty feet long and three feet wide ran along the entire front of the building, bearing the names Gottlieb & Quibble. Our own offices were in the rear, the front rooms being given over to clerks, runners, and process servers. A huge safe bought for a few dollars at an auction stood in the entrance chamber, but we used it only as a receptacle for coal, its real purpose being simply to impress our clients. We kept but few papers and needed practically no books; what we had were thrown around indiscriminately, upon chairs, tables—even on the floor. I do not recall any particular attempt to keep the place clean, and I am sure that the windows were never washed. But we made money, and that was what we were out for—and we made it every day—every hour; and as we made it we divided it up and put it in our pockets. Our success from the start seemed in some miraculous way to be assured, for my partner had, even before I knew him, established a reputation as one of the keenest men at the criminal bar.

As time went on our offices were thronged with clients of all sexes, ages, conditions, and nationalities. The pickpocket on his way out elbowed the gentlewoman who had an erring son and sought our aid to restore him to grace. The politician

and the actress, the polite burglar and the Wall Street schemer, the aggrieved wife and stout old clubman who was "being annoyed," each awaited his or her turn to receive our opinion as to their respective needs. Good or bad they got it. Usually it had little to do with law. Rather it was sound, practical advice as to the best thing to be done under the circumstances. These circumstances, as may be imagined, varied widely. Whatever they were and however little they justified apprehension on the part of the client we always made it a point at the very outset to scare the latter thoroughly. "Conscience doth make cowards of us all." But a lawyer is a close second to conscience when it comes to coward-making; in fact, frightening people, innocent or guilty, became to a very large extent our regular business.

The sinners most of them live in daily terror of being found out and the virtuous are equally fearful of being unjustly accused. Every one knows how a breath of scandal originating out of nothing can wither a family and drive strong men to desperation. The press is always ready to print interesting stories about people, without inquiring too closely into their authenticity. Curiously enough we found that an invitation to call at our office usually availed to bring the most exemplary

citizens without delay. I can remember not more than three who had the courage to refuse. Most came, as it were, on the run. Others made a bluff at righteous indignation. All, in the end, paid up—and paid well. Our reputation grew, and in the course of a few years the terror of us stalked abroad through the city.

Our staff was well organized, however disordered may have been the physical appearance of our office. In the first place we had an agent in every police court who instantly informed us whenever any person was arrested who had sufficient means to make it worth our while to come to his assistance. This agent was usually the clerk or some other official who could delay the proceedings in such a way as to give us time to appear upon the scene. We also had many of the police in our pay and made it a practice to reward liberally any officer who succeeded in throwing us any business. In this way defendants sometimes acquired the erroneous idea that if they followed the suggestion of the officer arresting them and employed us as their attorneys, they would be let off through some collusion between the officer and ourselves. Of course this idea was without foundation, but it was the source of considerable financial profit to us, and we did little to counteract the

general impression that had gone abroad that we "stood in" with the minions of the law and were *personæ gratæ* to the judges of the police courts.

After the telephone came into general use Gottlieb employed it in many ingenious ways. He even had an unconnected set of apparatus hanging on the wall of the office, through which he used to hold imaginary conversations with judges and city officers for the benefit of clients who were in search of "inflooence." It is a common weakness of the layman to believe that more can be accomplished through pull than through the merit of one's cause. Even litigants who have the right on their side are quite as apt to desire an attorney who is supposed to be "next" to the judge as are those whose only hope is through judicial favor. Gottlieb's relations to the lower magistrates were in many instances close, but he professed to be on the most intimate terms with all who wore the ermine, whether in the police courts or on the supreme bench. Time after time I have overheard some such colloquy as the following. A client would enter the office and after recounting his difficulties or wrongs would cautiously ask Gottlieb if he knew the judge before whom the matter would come.

"Do I *know* him?" my partner would cry. "I lunch with him almost every day! Wait a minute and I'll call him up."

Vigorously ringing the bell attached to the unconnected instrument upon the wall Gottlieb would indulge his fancy in some such dialogue as:

"Hello—hello! Is this Judge Nemo? Oh, hello, Jack, is it you? Yes, it's me—Abe. Say, I want to talk over a little matter with you before I go into court. How about lunch? Sure—any time will suit me. One o'clock? I'll be there. Thanks. So long, old man. See you later!"

The client by virtue of this auricular demonstration of our friendly relations with the bench would be instantly convinced that his success was assured and that Gottlieb & Quibble were cheap at any retainer they might choose to name.

For the most part the routine office work fell to me and Gottlieb attended to the court end of the business. For there was no more adroit or experienced trial attorney in the courts than my little hook-nosed partner. Even down-town attorneys with almost national reputations as corporation lawyers would call him in as associate counsel in important cases in which a criminal element was involved. Thus we frequently secured big fees in what Gottlieb was pleased to call legitimate prac-

tice, although I am inclined to believe that our share was small compared with that of the civil lawyers who had retained us. On one occasion where Gottlieb had been thus called in, the regular attorney of record, who happened to be a prominent churchman, came to our office to discuss the fee that should be charged. The client was a rich man who had sued successfully for a divorce.

"How much, Mr. Gottlieb," inquired the attorney, stroking his chin, "do you think would be a fair amount to ask for our services?"

My partner hesitated a moment and mentally reviewed the length of time the case—a very simple one—had occupied.

"Do you think five thousand dollars would be too much?" he finally asked with some hesitation.

"Five!" cried the lawyer in astonishment. "It should be twenty thousand—at the least!"

It is not my intention to give a history of the firm of Gottlieb & Quibble, but rather a general description of the work of any criminal law office. Its object is precisely the same as that of the best offices where civil law is practised—that is, to make money out of the client. But inasmuch as the client who seeks the aid of a criminal attorney is usually in dread of losing not merely money but liberty, reputation, and perhaps life as well, he is

correspondingly ready to pay generously for any real or fancied service on the part of the lawyer. Thus the fees of a criminal practitioner—when the client has any money—are ridiculously high, and he usually gets sooner or later all that the client has. Indeed, there are three golden rules in the profession, of which the first has already been hinted at—namely, thoroughly terrify your client. Second, find out how much money he has and where it is. Third, get it. The merest duffer can usually succeed in following out the first two of these precepts, but to accomplish the third requires often a master's art. The ability actually to get one's hands on the coin is what differentiates the really great criminal lawyer from his inconspicuous brethren.

The criminal attorney, therefore, whether he be called to see his client at the Tombs or in the police station, or is consulted in his own office, at once informs the latter that he is indeed in a parlous state. He demonstrates to him conclusively that there exist but a few steps between him and the gallows, or at the least State's prison, and that his only hope lies in his procuring at once sufficient money to—first, get out on bail; second, buy off the witnesses; third, "fix" the police; fourth, "square" the judge; and lastly, pay the lawyer.

Even where the prisoner has no money himself, his family are usually ready to do what they can to get him off, in order to save themselves from the disgrace of being related to a convict. It is not what may actually happen to your client, but what he thinks may happen, that makes him ready and anxious to give up his money. Thus, the more artistic the practitioner in painting the dire consequences which will result if the family of the offender does not come to his rescue the quicker and larger will be the response. Time also is necessary to enable the ancestral stocking to be grudgingly withdrawn from its hiding-place and its contents disgorged, or to allow the pathetic representations of his nearer relatives to work upon the callous heart of old Uncle John, who once held a city office and has thus plenty of money. The object of the lawyer being to hang on to the client until he has got his money, it follows that if the latter is locked up in jail it is all the better for the lawyer, unless it be expedient to let him out to raise funds. Thus criminal attorneys are not, as a rule, particularly anxious to secure the release of a client from jail. Solitary confinement increases his apprehension and discomfort and renders him more complacent about paying well for liberty. The English king who locked up the money-

lender and had one of his teeth drawn out each day until he made the desired loan knew his business. Once the fellow is out of jail—pfft! He is gone, and neither the place nor you know him more. Very likely also he will jump his bail and you will have to make good your bond. One client in jail is worth two at large.

Lawyers exercise much invention in keeping their clients under control. I recall one recent case where a French chauffeur who had but just arrived in this country was arrested for speeding. The most that could happen to him would, in the natural course of events, be a fine of fifteen or twenty dollars. But an imaginative criminal practitioner got hold of him in the police court and drew such a highly colored picture of what might happen to him that the Frenchman stayed in jail without bail under an assumed name, raised some three hundred dollars by means of a draft on Paris, handed it over to his counsel, and finally after a delay of two weeks was tried in the Special Sessions, found guilty, and let go on a suspended sentence. He is now looking for the lawyer with a view to doing something to him that will inevitably result in his own permanent incarceration.

Another practical distinction between civil and criminal practitioners is that while the first are

concerned for the most part with the law, the second are chiefly occupied with the facts. In civil cases the lawyers spend most of their time in trying to demonstrate that, even assuming their opponents' contentions as to the facts to be true, the law is nevertheless in their own favor. Now, this is a comparatively easy thing, since no one knows what the law in most civil cases is—and in truth it might as well be one way as the other. A noted member of the supreme bench of the United States is reported to have said that when he was chief justice of one of the State courts, and he and his confrères found themselves in a quandary over the law, they were accustomed to send the sergeant-at-arms for what they called "the implements of decision"—a brace of dice and a copper cent. Thus the weightest matters were decided without difficulty.(?)

Now, the taking of a purse out of a lady's reticule does not present much confusion as a legal proposition. It would be somewhat difficult to persuade a judge or a jury that picking a pocket is not a crime. It is far easier to demonstrate that the pocket was not picked at all. This is generally only a question of money. Witnesses can easily be secured to swear either that the lady had no reticule, or that if she had a reticule it contained

no purse, or that some person other than the defendant took the purse, or that she herself dropped it, or that even if the prisoner took it he had no criminal intent in so doing, since he observed that it was about to slip from the receptacle in which it was contained and intended but to return it to her. Lastly, if put to it, that in fact the owner was *no lady*, and therefore unworthy of credence.

Few persons realize how difficult it is for an outsider, such as an ordinary juryman, to decide an issue of fact. A flat denial is worth a hundred ingenious defences in which the act is admitted but the attempt is made to explain it away. It is this that gives the jury so much trouble in criminal cases. For example, in the case of the pickpocket the lawyers and the judge may know that the complaining witness is a worthy woman, the respectable mother of a family, and that the defendant is a rascal. But each comes before the jury presumably of equal innocence. She says he did, he says he didn't. The case must be proven beyond a reasonable doubt. Generally the defendant's word, so far as the jury can see, is as good as his accuser's. If there are other witnesses it is usually not difficult, and certainly not impossible, to show that they have poor eyesight, bad memories, or are undesirable citizens in general.

The criminal lawyer learns in his cradle never to admit anything. By getting constant adjournments he wears out the People's witnesses, induces others to stay away, and when the case finally comes to trial has only the naked accusation of the complainant to disprove. Or, to put it in more technically correct fashion, the complainant has only his own word wherewith to establish his case beyond a reasonable doubt. A bold contradiction is often so startling that it throws confusion into the enemy's camp.

I once defended a worthy gentleman named Cohen on a charge of perjury, alleged to have been committed by him in a civil case in which he, as defendant, denied that he had ever ordered a set of stable plans from a certain architect. The latter was a young man of very small practice who had an office but no clerks or draughtsmen. He certainly believed with the utmost honesty that my client had come to his office, engaged him to design a stable, and approved an elaborate set of plans that he had drawn. When it came to paying for them Mr. Cohen declined. The architect brought suit, and at the trial swore to the dates and places of the interviews between Cohen and himself, and to all the surrounding circumstances and details connected with the execution of the

plans in question. His lawyer expected that the defendant would interpose the defence that the plans were inferior, defective, or worthless. Not at all! Mr. Cohen swore that he had never ordered the plans and, in fact, had *never seen the architect in his life!* He alleged that until the suit was brought he had never even *heard* of him, and that either the architect was demented or a liar, or else some other Cohen had given the order. The architect and his lawyer were thunderstruck, but they had no witnesses to corroborate their contentions, since no one had ever seen Cohen in the other's office. The jury disagreed and the architect in some way secured Cohen's indictment for perjury. But during the criminal trial, at which I defended him, Mr. Cohen calmly persisted in his denial that he had ever enjoyed the honor of the architect's acquaintance, and after two prosecutions, in each of which the jury hopelessly disagreed, the indictments against him were dismissed. From this it may easily be inferred that no fact is too patent to be denied. Frequently the more heroic the denial the greater its verisimilitude to truth. The jury feel that no prisoner would *deny* a fact that it would be much easier to *explain away*—and believe him.

I once represented an Italian called The King of Mulberry Street, who was charged with having de-

liberately shot in the head and killed a respectable dealer in olive-oil against whom he held no grudge whatsoever. This King was just an egotistic little man who liked notoriety and admiration. He was wont to refer to himself simply as "The Bravest Man," without reference to time or place—just "The Bravest Man." He was accustomed to demonstrate his bravery by shooting inoffensive people whenever the idea seized him. He never killed anybody save quiet and law-abiding fellow citizens who made no resistance, and the method he selected was to shoot them through the head. He seemed to feel that it was essential to his dignity thus to execute at least one human being every six months, and the extraordinary feature of his history was that he had never been convicted.

The case that I was called upon to defend was this: Not having killed anybody for nearly a year and fearing to jeopardize his dual title of King of Mulberry Street and The Bravest Man, he put a forty-four calibre pistol in his pocket, donned his Sunday clothes and took a walk. The thoroughfare was crowded, the day bright and fair, the time twelve o'clock noon. Presently the oil merchant approached and The King, first glancing about him to make sure that he had a "gallery," went up to him, placed the pistol at his head and

fired. He was immediately arrested and indicted for murder.

Now, twenty witnesses had seen him fire the fatal shot. Yet there was not the slightest reason in the world why he should have done such a thing. Upon the trial my client insisted on simply denying that he had done anything of the kind. I had naturally assumed that he would either claim that the shooting had been accidental or that he had fired in self-defence, after he had first been attacked by the deceased. But no—he had had no pistol, did not know the man, and had not killed him. Why should he have killed him? he inquired. No one could answer the question, least of all the jury. The twenty witnesses were positive that he had done so, but he was equally positive that he had not. No one could offer the slightest explanation of the deed—if it had in fact taken place. The jury puzzled over the case for hours, at one time, I am informed, being on the point of acquitting the prisoner for lack of proof of any motive. They reasoned, with perfect logic, that it was almost if not quite as improbable that the defendant should in broad daylight on a public street have shot down a man against whom he had not the slightest grudge as that twenty commonplace citizens should be mistaken as to what they

had seen. Whether they were aided in reaching a verdict by "the implements of decision" I do not know, but in the end they found my client guilty and in due course he paid the penalty, as many another king has done, upon the scaffold. The plain fact was that The King was a "bravo," who took a childish and vain pride in killing people. He killed for the love of killing, or rather for the egotistic satisfaction of being talked of as a killer. At any rate, there are many like him. While his defence was unsuccessful, he came near enough to escaping to point out the value of a bold denial in a criminal case.

Our clients consisted, for the most part, of three clearly defined classes of persons: Criminals, their victims, and persons involved in marital or quasi-marital difficulties. These last furnished by far the most interesting quota of our business, and, did not professional confidence seal my lips, I could recount numerous entertaining anecdotes concerning some of what are usually regarded as New York's most respectable, not to say straight-laced, households. A family skeleton is the criminal lawyer's strongest ally. Once you can locate him and drag him forth you have but to rattle his bones ever so little and the paternal bank account is at your mercy. New York is prolific of skeletons of this

generic character, and Gottlieb had a magnificent collection. When naught else was doing we used to stir them up and revive business. Over this feature of the firm's activities I feel obliged, however, from a natural feeling of delicacy, to draw a veil. Our function usually consisted in offering to see to it that a certain proposed action, based on certain injudicious letters, should be discontinued upon the payment of a certain specified sum of money. These sums ranged in amount from five to twenty thousand dollars, of which we retained only one-half. I understand that some lawyers take more than this percentage, but for such I have only contempt. A member of a learned and honorable profession should be scrupulous in his conduct, and to keep for one's self more than half the money recovered for a client seems to me to be bordering on the unethical. But perhaps I am hypersqueamish.

Of course we had a great deal of the ordinary "knock-down-and-drag-out" variety of assault, robbery, theft, and homicide cases. Most of these our clerks attended to, but the murder cases Gottlieb defended in person, and in this he was so singularly successful that there was hardly a celebrated trial in which he was not retained in some capacity or other. For he was an adept in all those

little arts that make a jury feel well disposed toward a lawyer, and as a word artist he was unsurpassed. Gottlieb could, I believe, have wrung tears from a lump of pig iron, and his own capacity to open the floodgates of emotion was phenomenal. He had that rare and priceless gift shared by some members of the theatrical profession of being able to shed real tears at will. His sobs and groans were truly heart-rending. This, as might be expected, rendered him peculiarly telling in his appeals to the jury, and he could frequently set the entire panel snivelling and wiping their eyes as he pictured the deserted home, the grief-stricken wife, and the starving children of the man whom they were asked to convict. These unfortunate wives and children were an important scenic feature in our defence, and if the prisoner was unmarried Gottlieb had little difficulty in supplying the omission due to such improvidence. Some buxom young woman with a child at the breast and another toddling by her side could generally be induced to come to court for a few hours for as many dollars. They were always seated beside the prisoner, but Gottlieb was scrupulous to avoid any statement that they *belonged* to the client. If the jury chose to *infer* as much that was not our fault. It was magnificent to hear (from the wings) Gottlieb sum up a case,

his hand, in which was concealed a pin, caressing the youngest little one.

"Think, gentlemen, of the responsibility that rests upon you in rendering this woman a widow and depriving this poor innocent babe of a father's protecting love!"

Here Gottlieb would hiccough out a sob, sprinkle a few tears upon the counsel table, and gently thrust the pin into the infant's anatomy. Sob from Gottlieb—opportune wail from the baby. Verdict—not guilty.

There was a certain class of confidence men for whom we soon became the regular attorneys. They were a perennial source of delight as well as profit, and much of my time was given up to the drafting of circulars and advertisements for the sale of stock in such form that, whereas they contained no actual misstatement of an existing fact, they nevertheless were calculated to stimulate in the most casual reader an irresistible desire to sell all that he had and invest therein.

Originally the dealers in valueless securities did not take the trouble to purchase any properties but merely sold their stock and decamped with the proceeds. Of course such conduct was most ill-advised and unnecessary. It was obviously criminal to sell stock in a concern that has no existence,

and several of my clients having been convicted of grand larceny, for this reason I took it upon myself to advise the others actually to purchase lands, mines, or other property and issue their stock against it. In this way their business became absolutely legitimate—as strictly honest and within the law as any of the stock-jobbing concerns of the financial district. To be sure, the mine need not be more than the mere beginning of a shaft, if even that; the oil-well might have ceased to flow; the timber land might be only an acre or so in extent; but at any rate they existed. Their value was immaterial, since the intending purchaser was not informed in the advertisement as to the amount of gold, silver, or copper mined in any specific period, the number of gallons of oil per minute that flowed from the well, or the precise locality of the timber forests, but merely as to the glorious future in store for all who subscribed for the stock.

This vital distinction has always existed in civil as well as criminal law between what is fraud and what is legitimate encouragement to the buyer. To tell the prospective vendee of your old gray mare that she is the finest horse in the county is no fraud even if she is the veriest scarecrow, for it merely represents your opinion—perhaps colored

in part by your desire to sell—and is not a matter of demonstrable fact. To assure him, however, that she has never run away, had blind staggers, or spring halt, when these assertions are not true, is "a false statement as to a past or existing fact," and as such constitutes a fraud—if he buys your horse.

Now, it frequently has happened in my experience that gentlemen desiring to find purchasers for securities or property of little value have so carelessly mingled statements of fact with opinions, laudations, and prophecies as to their goods, that juries have said that they were guilty of fraud in so doing. Thus the lawyer becomes at every turn indispensable to the business man. The following circular was drawn up for one of our clients and is an excellent example of a perfectly harmless and legal advertisement that might easily become fraudulent. We will suppose that the corporation owned one-quarter of an acre of wood lot about ten miles from a region where copper was being mined.

SAWHIDE COPPERS

YOUR LAST CHANCE TO BUY THIS STOCK AT PRESENT FIGURES!

The company's lands are located near the heart of copper district, not far from properties now paying from forty to sixty per cent. a year. There is no reason in the

world why Sawhide should not do as well if not better. With immense quantities of ore just beneath the surface, when our new smelter is completed Sawhide will undoubtedly prove one of the best dividend payers in the country! As the Buggenheims and other well-known financiers are largely interested in the stock, it is only a question of time before it will be marked up out of sight. The properties have great surface value and are rolling in timber and mineral wealth.

This is a fair example of a perfectly safe variety of advertisement that does not commit the author to anything. As long as there is a piece of land somewhere and an actual incorporated company the stock of which, however valueless, is being offered for sale, the mere fact that the writer indulges himself in rosy prophecies does not endanger him so far as the criminal law is concerned. It is only when he foolishly—and usually quite as unconsciously—makes some definite allegation, such as, for instance, that the company "owns six hundred acres of fully developed mining property," or has "a smelter in actual operation on the ground," or "has earned sixty-five per cent. on its capital in the past year," that the financier runs the slightest risk. It may be that a purchaser would find it so difficult to prove the falsity of any of the statements upon which he had relied in purchasing the stock that the vendor would practi-

cally be immune, but in these days of muck-raking and of an hysterical public conscience prosecutors sometimes go to the most absurd lengths and spend ridiculous amounts of money out of the county treasuries to send promoters to jail.

They are apt to have a hard time of it, however. I recall one scheme in which a client of mine was interested, involving the flotation of about a hundred thousand dollars' worth of railroad stock. The circulars, printed by a famous engraver and stationer, were twenty pages in length and contained the minutest description of the company's board of directors, rolling stock, capitalization, bond issues, interests in other railroads, government grants of land, and the like. They were embellished with beautiful photogravures of deep cuts, suspension-bridges, snow-sheds, railroad-yards, and round-houses. The promoter did a mail-order business and sold the stock by the bagful to elevator men, trained nurses, policemen, porters, clerks, and servant girls.

After he had salted away about forty thousand dollars some of the purchasers began to get anxious about their dividends. None were forthcoming, and as the promoter was inclined to be indefinite as to future prospects he was presently arrested. But when the case came to trial I pointed out a

fact that, strange as it may seem, practically no one of the multitude of stockholders had previously noticed, namely, that the circulars made no actual statement *as to where the railroad was located*. By inference it might well have been supposed to be somewhere in Canada, but there was no such fact clearly alleged. Of course it was impossible for the prosecutor to prove that my client did not own a railroad *somewhere* in the world and the indictment had to be dismissed. Negations are extremely hard to establish, and therein lies the promoter's safety. If he sticks to generalities, no matter how they glitter, he is immune. Had my railroad promoter inserted a single word descriptive of the location of his franchise or his terminals he would now be in Sing Sing instead of owning a steam yacht and spending his winters in Florida.

From the foregoing the reader will observe that the first-class criminal lawyer by no means devotes his time to defending mere burglars and "strong-arm" men. The élite of the profession do as gilt-edged an office practice as the most dignified corporation attorneys. Indeed, in many respects their work is strictly identical.

CHAPTER V

THE firm of Gottlieb & Quibble had not been long established before—quite by chance—a new vista of opportunity opened before us. My partner had a wretched client who, not unlike many others, would go to more pains and trouble to steal a dollar than it would have taken him to earn twenty. This, I have noticed, is a general peculiarity of lawbreakers. The man's name was McDuff and my partner had defended him on several occasions and had got him off, with the result that he was always hanging about the office and asking if this or that were "within the law." One fine day he was arrested on the charge of having obtained money by false pretences in a unique manner.

It appeared that he had learned through a certain bar-tender that one Jones, a patron of the place, had but recently come into a legacy of a couple of hundred dollars and, in connection therewith, had imbibed so freely that he had become involved in a fist fight with a gentleman by the name

of Holahan and had done the latter considerable facial damage. McDuff pondered upon these facts for some time over his beer and then set out to find Jones—not a difficult task, as the legatee was making a round of all the near-by saloons and endeavoring to drink up his good fortune as rapidly as possible. Overtaking him in a side street McDuff grasped him roughly by the shoulder.

"Look here, Jones," says he, pretending to be an officer; "I have a warrant for your arrest for committing a battery upon Thomas Holahan. You must come along with me to the station-house."

"What! For me!" cries Jones in an agony of dismay. "Sure, I did nothing to the man. You're not going to lock me up for that!"

"It's my unpleasant duty," answers McDuff. "An officer has no choice in the matter. You must step along."

"Come, come!" replies Jones, pulling his money from his pocket. "Here's a hundred and fifty dollars. Say you couldn't find me!"

"I would be taking a great risk," responds the supposed officer. "Have you no more than that?"

"I have my gold watch and chain," returned Jones. "You can have them and welcome—only let me go!"

The bargain was struck then and there and the transfer from Jones' pockets to those of McDuff effected. Unfortunately, however, Jones next day discovered that Holahan harbored no ill-will against him and that the supposed officer was nothing of the kind. Rising in his wrath, he in turn procured a warrant for McDuff and caused his arrest and indictment. The trial came off and despite Gottlieb's best efforts his client was convicted by the jury of stealing Jones' watch, chain, and money by falsely representing himself to be an officer of the law. The case went on appeal to the Supreme Court, which affirmed the conviction, and there seemed no escape for McDuff from a term in prison.

One evening Gottlieb and I got talking about the case among other things.

"How is it," said I, "that the criminal law will step in and give a man back his money when, under precisely the same circumstances, the civil law will let him whistle?"

"What mean you by that?" asked my partner.

"Why," answered I, "the civil law will not settle disputes between thieves, it will not enforce an equitable division of stolen property, and it will not compel rogues to keep a dishonest contract between themselves. Now this fellow, Jones, it

seems to me, was almost as bad as your friend McDuff. He tried to induce a man he thought was a sworn officer of the law to violate his oath and disregard his duty. Why should the criminal law do anything for him? Why should it hand him back his money as if he were an innocent and honest man?"

"It is an ingenious argument," replied Gottlieb, scratching his ear; "and yet it is poppycock for all that. The criminal law is to punish criminals. According to your reasoning, two wrongs would make a right and two thieves one honest man. Would you let McDuff go unpunished simply because he was clever enough to induce Jones to try to break the law as well as himself? Why, any judge would laugh you out of court on such a proposition."

"But," I retorted, "surely, if I gave you a hundred dollars for the purpose of bribing a judge and you failed to accomplish your purpose, no court would assist me to recover the money. 'Twould be against public policy and *contra bonos mores*."

"Even so," answered my partner, "would it not be more *contra bonos mores* to let a thief go unpunished, once he had been arrested? Take my word, Quib, there's nothing in it," insisted Gottlieb warmly. "For instance, there is the crime

against usury—a very foolish law to be sure, but there it is. No one can commit usury unless some one else participates in the offense by paying the unlawful interest; but the usurer does not escape on that account. Why, then, should the false pretender in our case?"

"I admit the force of your analogy," said I, "and I could easily suggest others myself. Bribery, for instance; extortion and many other offences, where the law does not refrain from punishing the one because the other is equally guilty. But the cases differ in that, in bribery, the briber is seeking to influence the acts of an official; and, in extortion, the law imputes an element of force which is supposed to overcome the will of the person paying the money. I am not so clear on your usury. Still, I believe there is a fair fighting chance to win the case on my theory."

"If you think so," grumbled Gottlieb, "you had better argue it yourself before the Court of Appeals."

"Very well," said I. "Nothing will give me greater pleasure."

It was with some trepidation, however, that I went to Albany to argue, before so august a body of judges, a proposition of law that had in reality so little to commend it; particularly as I was op-

posed in person by the district attorney of New York County—a man of great learning and power of sarcasm. However, I found the Court of Appeals much interested in my argument and had the pleasure of hearing them put many puzzling questions to my opponent, in answering which he was not always altogether successful.

Pending the opinion of the Court, which was not handed down for several months, an incident occurred in our practice that may serve to amuse the reader if not to illustrate the dangers of ignorance. We were engaged in a litigation in the United States District Court, where the subpœnas for the witnesses are issued by the clerk to the deputy marshals for service. Our opponent in the case was a testy old member of the bar over sixty years of age and of the very highest respectability and standing, who had several times refused elevation to the bench and who was regarded as the personification of dignity and learning. Unfortunately his appearance belied his position, for he was almost totally bald and his face was as weazened and wrinkled as that of a monkey.

It so happened that we desired to have in court the following day certain papers that were in his possession; and, in order that we might be in a position to introduce copies of them in case he

failed to produce the originals, we secured what is called a *duces tecum* subpœna for him—that is to say, a subpœna directing him to bring with him —*duces tecum*—"bring with you"—the papers in question. There had recently been appointed as a deputy marshal a very honest and enthusiastic, but exceedingly ignorant Irishman named Hennessey, who, prior to his advent into officialdom, had been employed at heaving coal at a dollar and eighty cents a day. The clerk called him into his office and handed to him our subpœna.

"Mike," he said, "here is a subpœna for Winthrop Van Rennsellaer"—our worthy opponent. "It is a *duces tecum*. Understand?"

"Shure, I do!" answered Mike, wiping his mouth with the back of his hand and taking the paper; for, though he had no idea what *duces tecum* meant, he had no intention of disclosing that fact.

"It's important," continued the clerk. "Be sure and attend to the matter at once."

"Lave that to me!" Mike assured him.

"Don't forget that it's a *duces tecum*," admonished the clerk as Mike passed out of the door.

"Not on yer life!" replied the newly appointed deputy.

Outside, he found a fellow deputy, also newly appointed.

"Pat," said Mike, holding out the subpœna, "phat is the meanin' o' thim two wurrds?"

His friend carefully examined the paper.

"'*Duces tecum*'," he repeated thoughtfully. "'*Dooces taycum.*' They be Latin wurrds meanin' 'take him alive or dead.'"

"Thanks," said Mike. "Trust me!"

And he started forthwith for Wall Street, where Mr. Winthrop Van Rennsellaer's office was located. Having ascertained by inquiry that his quarry was in, Mike pushed by the clerks and scriveners in the outer offices and armed with the majesty of the law, boldly forced his way into the lawyer's sanctum. Marching up to him, he demanded in a loud voice:

"Are you Van Rennsellaer?"

The lawyer, exceedingly astonished, replied, with what dignity he was able to assume under the circumstances:

"I am Mister Winthrop Van Rennsellaer."

"Come wid me!" ordered Mike.

"I shall do nothing of the kind!" retorted the lawyer, getting red in the face.

"Y' won't, eh?" exclaimed the deputy; and, grasping Mr. Winthrop Van Rennsellaer by his linen collar, he yanked him out of his chair and, to the horror of the servile supernumeraries in the

Grasping Mr. Winthrop Van Rennsellaer by his linen collar, he yanked him out of his chair

lawyer's employ, dragged that eminent member of the bar through his own offices, down the stairs, and into the street.

The lawyer protested loudly at the indignities to which he was being subjected and a large crowd gathered, which for the time being blocked Broadway. Mike, confident that he had the authority of the United States Government behind him, exhibited his badge, called upon the police to assist him in the exercise of his duty and proceeded triumphantly to march Mr. Winthrop Van Rennsellaer, hatless, up the street at the head of a large and enthusiastic procession of interested citizens. From time to time Mike would turn and call upon the crowd to disperse, at the same time announcing in a loud voice that he had arrested his prisoner by an order of the Government to take him alive or dead.

By this time the lawyer's little round head was glowing a bright red and his legs almost refused to carry him. Once they had arrived at the Post-office Building the mistake was quickly discovered and Mr. Van Rennsellaer was set at liberty; but each and every United States judge had to descend in his robes from the bench and implore his pardon before the furious little lawyer would consent to call a cab and return to his office.

I understand that he always believed that the whole thing was a trick of Gottlieb's to humiliate him; and, indeed, some members of the bar have suspected me of the same thing—entirely without justification, of course. During the rest of his exceedingly distinguished career one had only to mention the words *duces tecum* in the presence of Mr. Winthrop Van Rennsellaer to deprive him instantly of his composure; in fact, for a long time he abandoned appearing in court and contented himself with nursing his dignity in his office. I should add that the incident so affected his confidence the next day in court that we won our case without difficulty.

But to return to the unfortunate McDuff. To my great astonishment and still more so to that of my partner the Court of Appeals handed down an opinion sustaining my contention and holding his client's conviction to be illegal. That night Gottlieb and I, sitting in his office, shook our sides with laughter at the idea of having hoodwinked the greatest court in the State into a solemn opinion that a rogue should not be punished if at the same time he could persuade his victim to try to be a rogue also! But there it was in cold print. They had followed my reasoning absolutely and even adopted as their own some of the language used in

my brief. Does any one of my readers doubt me, let him read the report of a like case in the forty-sixth volume of the reports of the Court of Appeals of New York, at page four hundred and seventy.

Said the Court: "The prosecutor"—Jones—"parted with his property as an inducement to a supposed officer to violate the law and his duties; and if in attempting to do this he has been defrauded the law will not punish his confederate, although such confederate may have been instrumental in inducing the commission of the offence. Neither the law nor public policy designs the protection of rogues in their dealings with each other, or to insure fair dealing and truthfulness, as between each other, in their dishonest practices." (This sentence had been in my brief.) "The design of the law is to protect those who, for some *honest* purpose, are induced upon false and fraudulent representations to give credit or part with their property to another, and not to protect those who, for *unworthy* or illegal purposes, part with their goods."

"Why, Quib," quoth Gottlieb, "you are the discoverer of a new legal principle. You will inaugurate a new field of human activity. Generations yet unborn will profit by your ingenuity. From now on every rascal in the land will set his

wits to work trying to bring his schemes within the scope of this beneficent opinion."

"Indeed," I replied, "however fine it may be for McDuff, I can easily see that I have unloosed as many troubles as ever flew out of Pandora's Box."

"Yes—but to our profit," he retorted, with a grin. "Don't forget that. The inventors will all come flocking straight to us to get them out of their difficulties—you may be sure of it!"

"'Tis extraordinary," I said, "what a multitude of opportunities this new principle enunciated by the Court of Appeals affords to a man of an inventive turn of mind. As I take it, all one has to do is to induce another to part with his money in the belief that he is going to take a sharp advantage of some one else. For example, let us suppose that I go to some person and falsely tell him that I have a client serving a term in Sing Sing for burglary who has confided to me the whereabouts of the secret hiding-place of his loot. All that is necessary is some one to put up sufficient money to cover the expense of transportation and excavation—and it can be divided between us. For this purpose he intrusts me with several hundred dollars, with which I make off. I have stolen the money fast enough, but I can never be punished for it."

"Exactly!" exclaimed my partner. "And here is another idea that is well calculated to appeal to almost anybody. It has just occurred to me quite involuntarily while you were speaking. Many of our clients want to know if they cannot send the judge, who is trying their case, a present of some sort, or maybe loan him a little money; and it is always distressing to be obliged to tell them—usually—that it is quite out of the question; that it would only get them into trouble. Of course, occasionally we let them send the judge a box of cigars, *but always with the compliments of our adversary—never our own.* Now this shows how readily persons who are mixed up in lawsuits or other difficulties would be ready to put up their money if they supposed the judge were going to get it. All you need is some unscrupulous fellow to go up to one of our clients and mention the fact that he is the judge's brother-in-law and is in dearth of ready money. Can't you see the client digging up the needful? He'd be stuffing it down our friend's pockets before he got through speaking; and the whole thing could be done quite openly, you observe, because, even if the client found out later that he had made a mistake, the law would not help him."

"An excellent illustration," I answered, "of the uses to which a legal decision may be put."

"Indeed, though," continued Gottlieb, "the scheme need by no means be as raw as all that. It is enough if there be merely an *immoral* or *improper* motive that induces the victim to part with his money. For example, if he but thinks that he can do a sharp trick to some one else. Let us suppose that I pretend to have secret information to the effect that certain property is really much more valuable than the owner supposes it to be. I propose to another that—if he will put up the money for that purpose—we shall buy the property, leading the owner to suppose that he is getting full value for it. Now, if, to induce the latter to make the sale, it is agreed between us that we make false or misleading statements as to the real value of the property I do not see but that I would be perfectly safe."

"Safe?" I queried. "I don't understand. You would have bought the property, that is all."

"My dear Quib," returned my partner, "you seem singularly dull this evening for one of such brilliant parts. The point is that the property really isn't worth anything. I am in cahoot with the man who sells it; and we divide even!"

"Yes," I answered; "a dozen similar schemes could be worked liked that."

"A dozen!" cried Gottlieb, bounding enthusiastically out of his chair and commencing to stalk

up and down the room. "A hundred! Why, there are endless ways in which it can be worked—and I know the man to work them too!"

"Eh!" I exclaimed.

"I mean, who will undoubtedly avail himself of some of them," he corrected himself. "Take this case: It is a crime under the law to give back or rebate part of the premium on a life insurance policy. Now many a man could be induced to insure his life if he could get back the first year's premium. All you have got to do is to tell him that you are an insurance agent and will give it back—and then put the money in your own pocket, for he will have given you the premium for an illegal purpose—that is to say, with the idea of having it paid back to him contrary to law. Under the decision he will have no chance to get you arrested."

"Never say that you are not a man of ingenuity yourself," said I.

I bade my partner good-night and walked slowly homeward meditating upon the wonders of the law, but totally unconscious of what a harvest was to be reaped from the seed I had sown so innocently.

It was but a short time after this that, happening to enter the office somewhat unexpectedly one

evening, I discovered Gottlieb in animated converse with a stockily built man of about forty years of age, whose coal-black hair—by far his most conspicuous feature—had been suffered to grow quite long and was parted evenly in the middle, so that it gave him somewhat the appearance of the hooded seal that was then on exhibition at P. T. Barnum's museum. He had a good-humored face, jet-black eyes, and a familiar, easy way with him that put one on a friendly footing at once.

"Hello! Quib!" exclaimed my partner. "I want you to meet my friend, Charlie Billington."

"Delighted to meet you, Mister Quibble," cried the stranger, grasping my hand. "Our friend Gottlieb knows me almost better than I know myself—eh, Gottie? Between us we have turned many a trick."

"You mean that I have pulled you out of many a bad hole," retorted Gottlieb.

"As you please," answered Billington good temperedly. "But in any event you are a splendid fellow at all times—and especially in times of need."

"May I inquire your business, Mr. Billington?" I asked, curious to identify my new acquaintance.

Billington winked at Gottlieb.

"How would you describe it, Mr. Lawyer?" said he.

Gottlieb laughed and shifted his cigar.

"Our friend Charlie lives by his brains," he replied. "He is an inventor, a promoter, an artist. He has earned many a small fortune by the simple use of a postage stamp. He can extract gold from seawater or silver from pineapples. Incidentally, he is of a scientific turn of mind and can rattle off the Morse alphabet as deftly as any operator in the business. Occasionally he has, in the interest of finance, tapped a wire."

"Tapped a wire!" Instantly I regarded Billington with new interest. So at last I had met one of those famous gentry of whom I had so often heard!

"Never again, I fancy!" laughed Charlie. "My friend, you have saved a lot of poor devils a deal of trouble. From this time on none of us will ever need to tap wires. After this we shall only *pretend* to tap 'em."

"How so?" I inquired, dropping into a near-by chair.

"Why, under the new law," responded Billington—"the law of which, I may say, you are the creator—we shall only have to induce some innocent countryman to believe that he has heard the result of a horse-race being sent over the wire in advance of the pool rooms, and persuade him to turn

over his roll for the purpose of betting it on a horse that is presumably already cooling off in the paddock and we can keep his money; for he has parted with it for an illegal or an inimical purpose—to wit, cheating the bookies."

"Not with my sanction!" I retorted, somewhat aghast at the idea of having paved a broad and easy path for the way of criminals.

"Tut, tut, Quib!" said Gottlieb. "You have nothing to do with what use our friend here sees fit to put your law to. I have never yet advised any man how to do an illegal thing. The most I have ever done has been to show some of my clients how to do in a perfectly legal manner that which had heretofore been unlawful."

"Yea, Gottlieb," remarked Billington. "And many things that before were accounted faults have now, thanks to you, become virtues."

After Billington bade us good-night, Gottlieb said to me:

"Quib, the more I think of it, the more astounding is the result of this new doctrine of yours that has been sanctified by the Court of Appeals. I do not for the life of me see how a seller of 'green goods' can be prosecuted. The countryman comes to the city for the purpose of buying counterfeit money at a ridiculously low figure. He puts up

his money and gets a package of blank paper with a genuine one-dollar bill on top of it. What good will it do him to appeal to the police? Has he not parted with his money avowedly for a most wicked purpose—that of uttering counterfeit bills?"

"I quite agree with you," I answered. "There seems to be no escape from your result: and I, for one, do not see what is to prevent New York from becoming the Mecca of all the thieves and rogues in the country."

And such, indeed, it became. From this time on, until very recently, the metropolis was the stamping ground of all the rogues who could not earn a dishonest living elsewhere. With our friend Charles as their sponser, there sprang into being herds of "sick engineers," fake "wire-tappers," "green-goods" swindlers, and confidence men of all sorts, who flourished safely under the protection of the decision of the Court of Appeals in McDuff's case.

It was but shortly after this that one of Billington's friends found himself in the toils of the police for having pretended to sell a package of "green goods" to a yokel from the rural part of the State. Charlie at once engaged me to defend him, asserting that as I was responsible for the law it was my duty to apply it for the benefit of our clients. So once

again I entered the arena in behalf of a principle that at heart I believed to be vicious and even absurd, and once again, to my surprise and the delight of my new clients, I triumphed. The Appellate Division reversed the conviction that had followed the arrest and discharged the prisoner, asserting that there was no longer any authority for holding him if the McDuff case was to be taken as law.

Thus it was, by such unconscious steps, that I, the only son of a clergyman, found myself—willy-nilly—a leader of the criminal bar. Yet at no time during my career would I have exchanged places with my honored parent or even with Mr. Tuckerman Toddleham, of Barristers Hall, Boston.

CHAPTER VI

AS I jot down these random reminiscences I am impressed in a singular fashion with the fact that my career consisted entirely in the making, or rather getting, of money and the spending of it. I had no particular professional ambitions and never but once sought distinction as a constitutional lawyer; and, however unworthy of an officer of the court such a confession may be, I am quite ready to admit that a seat upon the bench would have afforded me neither amusement nor sufficient compensation to satisfy my desires. Let other men find their gratification and emolument in the supposed honor of wearing the ermine! I have never found that a judge became any the less an erring human being after his elevation to the dais, and I could rake out of one good semi-criminal case twice the salary of any judge on the supreme bench. What is popularly regarded as respectability is oftentimes in reality—if the truth were known—merely stodginess and stupidity.

I am compelled to admit that in my early days, before I had formed my affiliation with Gottlieb, I had different ambitions, although they were none the less worldly. Then I wanted to be a judge because I supposed a judge was the king-pin of the profession. Now, as Pat Flanagan says, "I know different." The judge is apt to be no less a tool of the boss than any other public officer elected by the suffrages of a political party. He is merely less obviously so. There are a few men in Wall Street who can press a button and call for almost any judge they want—and he will come—and adjourn court if necessary to do so—with his silk hat in his hand. And if any young aspirant for legal honors who reads these fugitive memoirs believes that the road to the supreme bench leads *via* Blackstone, and is lighted by the midnight oil of study, let him disabuse himself of that idea, but seek rather the district leader; and let him make himself useful in getting the boys that are in trouble out of it. Under our elective system there is no more honor in being a judge than in being a sheriff or a hog-reeve; but, when one is young—and perhaps starving—it may seem otherwise.

If any of my lay readers believe that the practice of the law is a path of dalliance, let him but hazard his fortunes for a brief space on the good ship

Jurisprudence—he will find the voyage tedious beyond endurance, the ship's company but indifferent in character and the rations scanty. I make no doubt but that it is harder to earn an honest living at the law than by any other means of livelihood. Once one discovers this he must perforce choose whether he will remain a galley slave for life or hoist the Jolly Roger and turn freebooter, with a chance of dangling betimes from his own yard-arm.

Many a man has literally starved at the law. And most of the profession nearly do so; while some, by merest luck, have managed to struggle on until they stumbled upon some professional gold mine. I have heard many stories of how some young men managed to pull success out of disaster when the odds seemed overwhelming. One which has particularly appealed to me I shall call the anecdote of The Most Capable Young Lawyer in New York.

Some years ago there came to the great city a young fellow who had always lived in a country town where the neighbors were all such good friends that they never went to law. He was able and industrious, but in his native place found it almost impossible to earn a living; and when by chance he met a well-known and prosperous attorney from New York who advised him to seek his

fortune in the whirlpool rather than in the back eddies of life, he decided to follow the suggestion.

"I will endeavor to throw you something from time to time," said the prosperous lawyer, for it made him feel his own success to see such a poor young man and it tickled his vitals into benignity.

The country boy sold all his possessions for a few hundred dollars and came to New York. His friend was very kind in his manner and prolific of advice, but, unfortunately, he had no room in his own office for a junior or even an errand-boy. So Peters, for that was the young man's name, dragged himself up and down the city trying to find an opening, no matter how small. He was too old to begin as a clerk and too much of a bumpkin for anything else, and he found that nobody had any use for a young man of his particular type and training. At last, in despair, he hired desk-room in an office, shared jointly by half a dozen young men like himself, and waited for something to turn up; but nothing came. His bank account fell lower and lower, and he became more and more shabby. Moreover, he was eating his heart out with disappointment, for he could not return to his native town and confess himself a failure.

From time to time he would drop into his prosperous friend's offices, but the latter never had any-

thing to turn over to him and he would return dejectedly to his own solitary desk. At last he was forced to give up lunch and get along as best he could on two scanty meals a day; he grew thin and haggard, his Adam's apple projected redly above a frayed collar, his trousers grew wrinkled and shiny, and he looked ready to take his place in the "bread line." Finally he spent his last cent on a pretzel and made ready to "turn in his checks."

At this point Peters paid a last visit to his friend, who was visibly shocked at his emaciated appearance, for his eyes burned with the fever of starvation and his jaw was set in a pitiful determination to keep going until he dropped.

"Mr. Banks," said he grimly, "unless you give me something to do I'll go under. The fact is, I'm starving!"

Mr. Banks looked at him critically.

"Pretty near ready to give up, eh?" he remarked. "Better chuck it and go back! I guess I was wrong when I told you to come down here."

"Not yet," answered Peters doggedly. "When I go back it'll be in a wooden box."

"Well," replied Mr. Banks, "I'm sorry; but there isn't a thing in this office I can give you." He pondered a minute. "I've got a lot of old judgments against a fellow named Rosenheim—in the

cigar business; but he's no good—judgment proof —and they aren't worth the paper they're written on."

"Give them to me!" almost shouted Peters.

Mr. Banks laughed.

"You can have ninety per cent. of all you collect," said he as he bent over and, pulling out a lower drawer, removed a bundle of soiled documents. "Here they are. My blessing to you!"

Peters grabbed the transcripts and staggered down the stairs. It took him less than ten minutes to find Mr. Simon Rosenheim, who was sitting inside a brass fence at a mahogany desk, smoking one of the best of his own cigars.

"Mr. Rosenheim," said Peters, "I have some judgments here against you, amounting to about three thousand dollars."

"Yes?" remarked Rosenheim politely.

"Can you let me have the money?" inquired Peters.

"My dear fellow," retorted Rosenheim, with an oily sneer, "I owe the money all right, but I don't own a thing in the world. Everything in this room belongs to my wife. The amount of money I owe is really something shocking. Even what is in the safe"—he nodded to a large affair on the other side of the room—"belongs to somebody else."

Rosenheim had been through this same performance hundreds of times before, but not with the same dénouement.

Suddenly he saw a lean young man, with hollow cheeks and blazing eyes, leap over the brass railing. In another instant horny hands grasped him fiercely by the windpipe and a voice hissed in his ear:

"Pay me those judgments or I'll strangle you here and now!"

With bursting veins and protruding tongue he struggled helplessly to escape as his assailant dragged him toward the safe.

"I mean what I say!" half shrieked Peters. "I'm starving! I'd as lief die one way as another; but before I die you'll pay up those judgments—every cent!"

Rosenheim was on his knees now before the safe, his eyes starting from his head.

"Open the safe!" commanded Peters.

Rosenheim, the sweat of death on his brow, fumbled with the combination; the tumbler caught, the door swung open. Peters lifted his captive enough to permit him to reach in and take out the bills.

"Count 'em out!" he ordered.

Rosenheim did as he was told, shaking with fear. Peters stuffed the money into his pocket.

"Now do your damdest!" he shouted. "I've had one piece of law business before I died. Good afternoon!"

Rosenheim crawled back to his desk, relit his cigar and endeavored to pull himself together. He had a half-scared, half-puzzled look on his face and once in awhile he scratched his head.

Meantime Peters repaired to the nearest hotel and ordered a dinner of steak and fried potatoes, washed down with a pint of champagne. He then purchased a new suit of clothes, a box of collars, a few shirts, and a hat. When he entered Mr. Banks' office an hour later the latter with difficulty recognized his visitor.

"I owe you three hundred dollars, I believe," remarked Peters, laying down the bills.

"Owe—me—— What? You didn't get that money out of Rosenheim?" stammered Banks.

"Why not?" asked Peters casually. "Of course I did. Every cent of it."

Banks looked at him in utter amazement. He, too, scratched his head.

"Say," he suddenly exploded, "you must be quite a feller! Now, look here, I've got a claim against the Pennsylvania and Susquehanna Terminal Company for two million dollars that I wish you'd come in and give me a little help on. What do you say?"

Peters hesitated and pursed his lips.

"Oh, I don't mind if I do," said he carelessly.

You may have heard of the celebrated law firm of Banks & Peters—who do a business of about four hundred thousand a year? Well, that is Peters. Banks says he's "the ablest young lawyer in New York."

Peters, however, does not deserve the same credit as another young fellow of my acquaintance, since in Peters' case necessity was the parent of his invention; whereas in the other the scheme that led to success was the offspring of an ingenuity that needed no starvation to stimulate it into activity.

Baldwin was a youth of about thirty, who had done pretty well at the bar without giving any evidence of brilliancy and with only moderate financial success. He perceived the obvious fact that the way to make money at the law is to have money-makers for clients, but he had no acquaintance with financiers and had no reason to advance to himself why he should ever hope to receive any business from such. Reading one day that a certain young attorney he knew had received a large retainer for bringing an injunction in an important railroad matter, it occurred to him that, after all, it was merely chance and nothing else that had

sent the business to the other instead of to himself. "If I'd only known Morgan H. Rogers I might have had the job myself," thought he.

So he pondered deeply over how he could get to know Mr. Morgan H. Rogers and at last conceived the idea of pretending that he had a client who—without disclosing his name for the time being—desired to create a trust for the benefit of a charity in which the railroad magnate was much interested. With this excuse he found no difficulty in securing an interview and making an agreeable impression. The next step was more difficult.

Finally, having learned through a clerk in the banker's office with whom he had cultivated an acquaintance that Mr. Morgan H. Rogers was going to Boston at a certain hour that very afternoon, he donned his best funeral suit and boarded the same train himself. As he passed through the drawing-room car he bowed to the great man, who returned his greeting with the shortness characteristic of him, and passed on to the smoker, where he ensconced himself in a chair near the door, depositing on the seat next to him a pile of magazines and his coat. Half an hour passed and the car filled up, save for the seat next the young lawyer. Presently the bulky form of Morgan H. Rogers filled the door-way. He already had a black unlit cigar

in his mouth and he scanned the rows of seats with ill-concealed disappointment. Then his eye caught the one occupied by our friend's coat.

"Let me have this seat!" said he abruptly.

"Oh, how are you, Mr. Rogers!" exclaimed the young lawyer. "Certainly! Let me give you a light."

"Your name's Baldwin, isn't it?" inquired the banker as he took up a magazine. "Saw you about that trust matter last week, didn't I?"

"Yes," answered Baldwin. "Nothing has occurred in connection with it since then."

And he returned to his paper without paying any further attention to his companion. At Bridgeport a telegraph boy rushed into the car and yelled: "Baldwin! Mr. Baldwin!"

Mr. Baldwin held out his hand, in which lay half a dollar, and without much apparent interest opened the envelope and scanned its contents.

"H'm!" he remarked, half inwardly, and thrust the paper into his pocket.

At New Haven another boy boarded the train, calling anxiously for Everitt P. Baldwin—this time there were two telegrams; and just as the train pulled out a third arrived.

Mr. Baldwin read them all with the keenest interest and could hardly conceal an exclamation of

satisfaction; but the magnate gave no sign. At New London there was another flurry and, in spite of himself, Mr. Baldwin slapped his knee and muttered: "Good enough!"

As the train started again Morgan H. Rogers let fall his magazine and growled half-facetiously:

"What the devil are all those telegrams about?"

"Just a little injunction suit," the young man answered modestly, "in which my firm has been quite successful." And, without giving any names —for, indeed, there were none—he sketched rapidly a hypothetical situation of the greatest legal delicacy, in which he had tied up an imaginary railroad system with an injunction, supposedly just made permanent. Morgan H. Rogers became interested and offered Mr. Baldwin a remarkably big cigar. He had been having a few troubles of his own of a similar character. In a few moments the two were deep in the problems of one of the financier's own transcontinental lines and a week later Baldwin was on Rogers' regular staff of railroad attorneys.

It is pleasant to reflect upon such happy incidents in the history of a profession that probably offers more difficulties to the beginner than any other. Yet the very obstacles to success in it are apt to develop an intellectual agility and a flexi-

bility of morals which, in the long run, may well lead not only to fortune, but to fame—of one sort or another. I recall an incident in my own career, upon my ingenuity in which, for a time, I looked back with considerable professional pride, until I found it a common practice among my elders and contemporaries of the criminal and even of the civil bar.

It so happened that I had an elderly client of such an exceedingly irascible disposition that he was always taking offence at imaginary insults and was ready to enter into litigation of the fiercest character at the slightest excuse. Now, though he was often in the right, he was nevertheless frequently in the wrong—and equally unreasonable in either case. He was turned over to me in despair by another and older attorney, who could do nothing with him and wished me joy in my undertaking. I soon found that the old gentleman's guiding principle was "Millions for defence, but not one cent for tribute." In other words, as he always believed himself to have been imposed upon, he litigated almost every bill that was presented to him, with the result that three times out of five judgment was given against him. He had himself studied for the bar and had a natural fondness for technicalities; and he was quite ready to

pay handsomely any one he believed to be zealously guarding his interests.

He was, at the time I became acquainted with him, nearly seventy years of age and his chief diversion was to sit in my office and harangue me upon his grievances. Being a sort of a sea-lawyer himself he was forever devising quaint defences and strange reasons why he should not pay his creditors; and he was ever ready to spend a hundred dollars in lawyers' fees in order to save fifty. This is the most desirable variety of client a lawyer can have.

One trifling weakness, common to mankind in general, gave him much encouragement; for he soon discovered that, rather than incur the trouble of hiring lawyers and going to court, his creditors would usually compound with him for considerably less than their just claims. This happened so frequently that he almost never paid a bill in the first instance, with the natural result that those who had sent him honest bills before, after one or two experiences with him, made it a practice to add thirty per cent. or so to the total, in order that they might later on gracefully reduce their demands without loss. Thus my client, by his peevishness, actually created the very condition regarding which, out of an overactive imagination, he had complained originally without just cause.

It so happened that the first matter in which he required my services was a dispute over a tailor's bill that he regarded as excessive. He had ordered a pair of trousers without inquiring the price and was shocked to discover that he had been charged three dollars more than for his last pair. The tailor explained at great length that the first had been summer weight and that these were winter weight; but to no purpose.

"You think you can take advantage of me because I'm an old man!" he shrieked in his rage. "But you'll find out. Just wait until I see my lawyer!"

So down he came to my office and fumed and chattered for an hour or more about the extra three dollars on his trousers. If he had been less abusive the tailor might have overlooked the matter; but even a tailor has a soul, and this time the man swore to have the law on his cantankerous customer.

"Fight to the last ditch!" shouted the old man. "Don't yield an inch!"

A day or two later the tailor served my client, whose name was Wimbleton, with a summons and complaint; and I was forced to put in an answer, in which I took issue upon the reasonable value of the trousers. By the time I had drawn the

papers and listened to my client's detailed history of the transaction, as well as his picturesque denunciation of his opponent, I had already put in about a hundred dollars' worth of my time without any prospect of a return. I knew that if the case were tried it would mean a day lost for myself and a judgment against my client. The old fellow had a large amount of property, however, and I was willing to take a loss if it meant future business. Yet the time involved and the trifling character of the suit annoyed me and I resolved to take it upon myself to settle the matter over my client's head.

On my way home I stopped in at the tailor's and told him to take his three dollars and discontinue his action, which he was glad enough to do. The next day I wrote Mr. Wimbleton that I had forced his enemy to capitulate—horse, foot, and dragoons—and that the suit had been withdrawn. My embarrassment may be imagined when my client arrived at the office in a state of delirious excitement and insisted not only on inviting me to dinner, but on paying me fifty dollars for services in giving him the satisfaction of beating the tailor. Instantly I saw a means of entirely satisfying the old man and earning some good fees without the slightest exertion.

The same method—although for another purpose—will be recalled by my readers as having

"You think you can take advantage of me because I'm an old man!" he shrieked in his rage

been invoked by the unjust steward who called his lord's debtors to him and inquired how much they owed. One, if I remember correctly, said a hundred measures of oil.

"Take thy bill," said the steward, "and sit down quickly, and write fifty."

Another, who confessed to owing a hundred measures of wheat, the steward let off with eighty. On discovering what he had done his lord commended him for having done wisely, on the ground that the children of this world were wiser than the children of light.

Thus, it will be observed, my early Biblical training stood me in practical stead; and the only difference between the unjust steward and myself lay in the manner in which we were each eventually [illegible]ed by our respective masters. Indeed, I found Scriptural scheme so profitable and effective that soon my client swore I was the cleverest lawyer he had ever employed.

Some one would commence a suit against him for damages for breach of contract amounting to a couple of thousand dollars, where he thought he ought to pay only fifteen hundred, but where he really had no defence. I would file an elaborate answer setting up all sorts of defences, move for an examination of the plaintiff and of his books and

papers, secure a bill of particulars and go through all sorts of legal hocus-pocus to show how bitterly I was contesting the case as a matter of principle. Before the action came to trial, however, I would settle it for one thousand seven hundred and fifty dollars, telling my client that we had brought the other side to his terms, and charge him seven hundred and fifty dollars for my services—thus netting five hundred dollars in fees.

Often, when the amount sued for was small—say, fifty or one hundred dollars—and where my client had absolutely declined to pay anything, I paid the claim in full, simply for the satisfaction of leading him to believe that he had been successful in resisting what he regarded as an unjust or excessive demand.

This went on for several years, until, quite by chance, one of his creditors, with whom I had settled over his head, either out of forgetfulness or an evil wish to do me a bad turn, wrote him a letter thanking him for his generosity. The next day he appeared, purple with rage, and for some unaccountable reason, instead of "commending" me, denounced me for a shyster. And this in spite of the undoubted fact that my pacific methods had probably saved him hundreds of dollars!

It was about this time that Gottleib devised a

truly brilliant scheme, which had to commend it the highly desirable quality of being absolutely safe.

There is a very wise provision of our law to the effect that, where a wife desires to bring an action against her husband for divorce and is without means for the purpose, the courts will allow her a counsel fee and alimony *pendente lite*. The counsel fee is to enable her to pay a lawyer and prepare for trial, and the amount usually varies from one hundred to one thousand dollars.

One morning my partner came grinning into my office and showed me a very soiled and wrinkled paper.

"What d'ye think of that?" he laughed.

The document, which turned out to be an affidavit executed in Chicago, read as follows:

STATE OF ILLINOIS,
COOK COUNTY, CITY OF CHICAGO } ss.

LIZZIE YARNOWSKI, being duly sworn, deposes and says that she is over twenty-one years of age and engaged in the employment of making artificial flowers; that in the year 1881 the defendant induced her to leave her home in New York and to journey with him in the West under a promise of marriage, representing himself to be a traveling salesman employed by a manufacturer of soda fountains; that they were married on July 5, 1881, in the town of Piqua, Ohio, by a justice of the peace under the names of Sadie Bings and Joshua Blank, and by a rabbi in Chicago on August 17, 1881; that two weeks thereaf-

ter defendant deserted plaintiff and has never since contributed toward her support, and that she has since learned that the defendant is a banker and a broker, doing business on Wall Street in the city of New York.

The affidavit then went on to state that the defendant had given the plaintiff good grounds for seeking for a divorce and that she was without means to engage counsel or prepare for trial. The contents of the paper was skilfully worded so as to convey the impression that the deponent was a woman of somewhat doubtful character herself, but that on the other hand she had been tricked by the defendant into a secret—and what he intended to be a temporary—marriage. Attached thereto was another affidavit from the justice of the peace to the effect that on the date in question he had united in the holy bonds of matrimony a man and a woman who had given the names of Sadie Bings and Joshua Blank.

"Well, Gottlieb," said I, "this is interesting reading, whether it be fact or fiction; but what is its significance to us?"

"Why," answered my associate, "these are the papers I propose to use on a motion for counsel fee and alimony in a divorce action brought against Mr. Chester Gates, a broker downtown—and, I may add, a very rich and respectable young gentle-

man. Of course, I have no personal knowledge of the matter, as the case has been sent to us by one of our legal friends in Chicago; but I am quite sure that the court will grant me a counsel fee in order to enable the poor woman to prepare her case and bring it to trial."

"But," I replied, "we have made just such applications a thousand times before, have we not?"

Gottlieb gave me one of his long, slow winks.

"Not just like this," said he, and went back to his room, while I pondered on what I had read.

A few days later Gottlieb served the complaint in an action for absolute divorce upon Mr. Chester Gates, to the young man's great indignation and annoyance; and shortly thereafter a very respectable and prosperous old family lawyer called upon us to explain that the whole matter was a mistake and that his client had never, never been married, and knew no Miss Lizzie Yarnowski, either as Sadie Bings or under any other name.

Gottlieb and I treated him with the greatest deference, explaining that we had no option but to go on with the matter, as we were only acting for our Chicago correspondent. At this the old lawyer grew very indignant and muttered something under his breath about perjury and blackmail, to which, however, neither Gottlieb nor I paid any

attention. A week or so later we made our motion for alimony and counsel fee *pendente lite*, and in spite of the vehement affidavit of Chester Gates, Esquire, that he had never seen or heard of the plaintiff nor been married to anybody in his life, the court granted us two hundred and fifty dollars as counsel fee.

This was made payable at our office, as the attorneys for the plaintiff; and a day or two later Mr. Gates himself called and asked to see us. He was a rosy-cheeked, athletic young fellow, who could, I fancy, have knocked both our heads together had he chosen to do so.

"Good afternoon, gentlemen," said he, closing the door and seating himself at Gottlieb's invitation. "This is a very interesting experience you are putting me through. I am made the defendant in a divorce action and ordered to pay you two hundred and fifty dollars on affidavits that I know to be perjured from start to finish. Well, if that's law I have nothing to say. Of course, you can't win your case, because you can't prove that I ever married anybody—which latter fact, of course, you very well know. I would never pay you a cent to settle this or any other unfounded suit, and I never did anything for which you or any other scoun—beg pardon, I mean lawyer—could blackmail me.

But this is a new one on me. You have got a court order that I am to pay you two hundred and fifty dollars to bring a bogus action against myself. Well, here's my check for it. I congratulate you. Now, I'm amused to see what you're going to do next. I want to get something for my money."

Gottlieb took the check and rang a bell for the office boy.

"Take this over to the bank and cash it," he directed. "That's the first thing I'm going to do," turning to Gates. "The next is this." He opened the top drawer of his desk and took out a legal paper. "Here," said he, "is a discontinuance of the action, which I received this morning from Chicago. I suppose you have no objection to having the matter disposed of in that way? You'll take it?"

Mr. Gates looked at him for a moment and then burst out laughing.

"By George!" he exclaimed. "Take it? Of course I'll take it. I have no particular desire to go on with the litigation, I assure you. I fully expected to be adjudged the father of a large family of little Yarnowskis. But, now that the matter is settled, would you mind telling me who the lady really is?"

Gottlieb looked at him very solemnly and, to my horror, gave an imperceptible wink.

"All I can tell you, sir," he replied, "is that her name is Lizzie Yarnowski, and that you married her under the name of Sadie Bings before a justice of the peace at Piqua, Ohio."

At one time Gottlieb and I represented a very objectionable old party who ran a scurrilous "society" paper, chiefly for the opportunity it gave him to blackmail people. His method was the very simple one of publishing some unfounded scandal without using any names, and then to print a paragraph immediately following it in which the real names of the parties appeared, ostensibly with relation to some other item of news:

"It is a well-known fact that a certain young society couple, both of whom have, to say the least, led rather lurid lives, are no longer on good terms and are carrying on—*sub rosa*—independent establishments. Mr. —— prefers the upper West Side, while Mrs. —— has a tidy little Louis XVI flat on Eleventh Street. Incidentally the family mansion remains at —— Fifth Avenue.

"Mr. and Mrs. Kopeck Louis d'Or Jones are not going to Newport this summer. There is a persistent rumor that Mrs. Jones will remain with her mother on the Hudson, while her husband's plans are quite indefinite."

In point of fact it was Gottlieb who had invented this neat method of publishing scandal without any of the usual attendant risks. Generally what would happen would be that the day after the issuing of the number in which the objectionable article had appeared, Mr. Kopeck Louis d'Or Jones would call up the white-haired editor of *Social Sifting* on the telephone and tell him that he proposed to sue him for libel unless he printed an immediate retraction. Our client would thereupon refer him to Gottlieb, who would explain to Mr. Jones that the libel in question had no reference to him whatsoever; that he could hardly expect *favorable* items to appear about him unless he took a financial interest in the paper; and end by offering to negotiate a purchase for him of some of the stock. In many instances the injured parties would instantly take this means of insuring that no further publications of such a character should appear. The stock usually cost about ten thousand dollars, which went into the pocket of the "General," as he was called; and from that time on none but the most pleasing reflections could be found in the columns of his paper in regard to its new stockholder.

Unfortunately for all parties, however, the "General" took exception to the size of one of our bills and we parted with mutual recriminations, al-

though he had paid us many thousands of dollars in fees and we had saved him many more in judgments. He still owed us a large sum of money, but Gottlieb had tied up his property in such a fashion that the old fellow was judgment-proof. He was thus able to snap his fingers in our faces, a fact that naturally intensified our hard feelings against him. We cherished our anger until an appropriate occasion should present itself for getting even with him, which occurred sooner than any of us, least of all the "General," expected.

It so happened that one of the victims, having failed to "come across" substantially enough, discovered very shortly another libelous paragraph, which reflected very seriously upon his young and attractive wife; and as it was pretty generally known at that time that the "General" and ourselves had parted company, the husband forthwith came to us for advice.

"Of course," said he ruefully, "I can't thrash a white-haired villain who is old enough to be my grandfather, even if I could get to him, which is unlikely. You know he has an inner office 'way off from the rest and sneaks in and out, up and down the back stairs. A suit for libel wouldn't do any good and the publicity would hurt more than the satisfaction I might get out of a verdict. But

vengeance I'll have—at any cost. How can I get it?"

Gottlieb pondered the matter for several days and at last sent for his new client, at the same time making an appointment at our office with a well-known feather-weight prize-fighter.

"If you will leave this matter to me I'll guarantee—for a thousand dollars—that the 'General' shall receive as severe a pounding as his old carcass can stand."

The client joyfully wrote out a check to our order and an hour later Hennessey, the celebrated bantam, arrayed in the uniform of an overgrown messenger boy, called with a letter at the "General's" office and asked to see him. He had, he insisted, orders to deliver the letter into nobody's hands but those of the "General" himself, and on this pretext in due course found himself, after being led through a labyrinth of passages and stairs, in the presence of our ex-client.

"Are you General ——?" he inquired.

"That's my name," answered the "General."

"I've got a letter for yous," continued the bantam, fumbling in his cap and producing two letters, one of which he handed over.

The "General" took it and his eye glinted, for he perceived that it was addressed to a very well-

known member of society whose escapades were notorious. Quickly he ran his penknife through the tongue of the envelope.

"Hold on, there!" suddenly cried Hennessey. "I've give yous the wrong letter. Here's yourn. That one is for Mr. ——. Gimme it back!"

"One moment, my boy!" replied the "General," hastily tearing open the envelope. "Just one moment."

"Don't you take out dat letter! It ain't fer yous!" expostulated the messenger. "Here's your letter."

But the "General," with watering mouth, was already feverishly devouring a violet-colored note beginning, "Darling Guy," his bulbous nose close to the paper and scenting scandal in every line—that is, he devoured it until, quite unexpectedly, the bantam squared off and proceeded to hand him a few "upper cuts," "hooks," and straight leads from the shoulder, until the scandalmonger howled for mercy. But the bantam had his instructions.

"No!" says he. Bing! "I'll teach you to read other people's letters!" Bing! "I'll show yous what yous'll get if yous violates de United States mail—see?" Bing! "Read Mr. ——'s letter, will yous?" Bing! "Not wit' me here—see?" Bing! Bing! "You white-haired old son of a printing-press!"

Hennessey's description, on his return to the office, of the "General's" appearance at the conclusion of his drubbing was eminently satisfactory; and he forthwith exchanged his messenger's uniform for his Broadway regalia and a crisp one-hundred-dollar bill. That is the only time, so far as I have ever learned, that the "General" ever got his real deserts; but I am glad that he did, for once. And the sight of his red nose—somehow it looks redder now than it used to—invariably fills me with satisfaction.

Quite naturally our firm attracted a number of strange wastrels in the way of clients, all of whom were picturesque and many of them profitable. Among these was a gentleman known as the "Human Dog," who frequented the main thoroughfares during the crowded hours and simulated the performances of a starving animal with a verisimilitude that I believe to have been unsurpassed in the annals of beggary. He would go on all fours snuffling along the gutters for food and when he came to a morsel of offal he would fall upon it and devour it ravenously. If he found nothing he would whine and sit on his hind legs—so to speak—on the curb, with an imploring look on his hairy face. If a police officer approached the "Human Dog" would immediately roll over on his back,

with his legs in the air, and yelp piteously; in fact, he combined the "lay" of insanity with that of starvation in a most ingenious and skilful manner. He was a familiar sight and a bugbear to the police, who were constantly arresting him; but, as he never asked for money, they had great difficulty in doing anything with him. Usually the magistrate sent him to the "Island," for thirty days and then Gottlieb would get him out on a writ of habeas corpus. Some of these writs attracted the attention of the bar and several appear in the reports. I am under the impression that we secured his release some twenty-nine separate times. At last he died in a fit of apoplexy caused by overeating; and when we administered his estate we found that he had already laid by, in a comparatively brief career, the very creditable sum of forty-one thousand dollars.

The "Human Dog" was but a clever variation of the "Crust-Thrower"—the beggar who tosses a dirty crust of bread into the gutter when no one is looking and then falls upon it with a cry of fierce joy. These "crust-throwers" have plied their trade for over six hundred years and were known in England and Flanders long before the discovery of America. Gottlieb was very shrewd at devising schemes that came just within the law and used to

amuse himself by so doing in his leisure moments. One of the best—the idea for which he sold for three hundred dollars and which is still being used in New York, Chicago, and elsewhere—is the following:

An old man, with a square of plate glass in a newspaper and a bundle of glass-cutter's tools by his side is seen sitting dejectedly on a curb with his head in his hands. He has no coat and the icy wind blows through his straggling locks of gray hair—a pathetic picture. He seems utterly discouraged, but no word of complaint passes his lips. Presently a well-dressed woman approaches and her pity is instantly aroused. She accosts him, and the aged one informs her in a faint voice that he works in Harlem and has been sent by his boss to set a pane of glass on Varick Street; but, not knowing exactly where Varick Street is, he has got off the elevated at Fifty-ninth Street and finds that he is still several miles from his destination. What woman, unless she had a heart of granite, would not be moved by such a tale! She opens her purse and pours its contents into his lap; for it is a psychological truth that, if you can once get a woman up to the point of giving anything, she will give all that she has. How often have I seen these old men—the children of Gottlieb's brain—sitting pa-

tiently and silently on the streets! And how often have they paid us handsome fees to get them out of the "jug."

In this catalogue of clients I must not forget "Banana Anna," who recently, I am sad to say, met her Waterloo. Anna was a lady so peculiarly gifted by the Almighty that she was able at will to simulate a very severe physical mishap. I shall not describe with any greater degree of particularity what her precise affliction was, save to say that if genuine it would have entitled her to the sympathy and generosity of mankind. It was the kind of thing that might easily result from a fall; but which, in fact, under ordinary circumstances gave her no inconvenience whatever.

Anna would conceal a bit of banana peel in her muff and, dropping it upon a station platform, would put her heel upon it and fall prostrate, uttering a groan of pain. The guard would come hastily to her assistance and find, to his horror, a woman with every mark of respectability suffering terrible agony from a condition obviously the result of a fall caused by a bit of banana skin carelessly left lying upon the premises. An ambulance would be summond, but she would insist upon being taken to her own home—an imposing mansion—and calling her own physician. In due course the

railroad would send its doctor, who would report that her condition was serious; and, as the leaving of banana peel upon a public platform is in its very nature "negligent," the company's lawyers would recommend settlement. Thus "Banana Anna" was able to live in comfort if not in luxury; and an infirmity that might under other circumstances have been a curse became, in fact, a blessing. Of course she took a new name and hired—temporarily—a new residence for each accident; but, as she moved from city to city, she was able to keep up the same old ruse for years.

Perhaps our most interesting client was the one who made his living by supplying "to the trade" all kinds of corporate bonds and certificates of stock. Some of these bonds had originally been issued by corporations in good standing, but had been exchanged, cancelled, outlawed, or in some other way had become valueless. How our client secured them I never discovered. He also dealt in the repudiated bonds of Southern cities and States, which can be purchased for practically nothing almost anywhere.

His principal line of goods, however, was the bonds of companies that he incorporated himself and disposed of at cut rates to a clientele all his own. These companies all bore impressive names,

such as the Tennessee Gas, Heat, and Power Company, the Mercedes-Panard-Charon Motor Vehicle Supply Company, the Nevada Coal, Coke, Iron, and Bi-product Company, the Chicago Banking and Securities Company, the Farmers' Loan and Credit Company, the Southern Georgia Land and Fruit Company, and so on. He had an impressive office in a marble-fronted building on Wall Street, doors covered with green baize inside and gold lettering outside, and he wore a tall hat and patent-leather shoes. He also had a force of several young lady stenographers and clerks, who acted as the officers and directors of his various concerns, all of which were legally incorporated under the laws of West Virginia and New Jersey. His clients were the gilt-edged "con" men of Wall and Nassau Streets, who, when they needed them, could purchase a couple of hundred engraved one-thousand-dollar bonds of imposing appearance, in a real corporation, for a few hundred dollars in cash.

Our client did not act as an officer of these himself, but merely took a power of attorney from the president, secretary, and treasurer, authorizing him to sign their names to these bond issues. Yet no one ever saw these officers, all of whom had names connotative of wealth and financial respon-

sibility. The Gates, Morgan, Rogers, and other families multiplied and brought forth at the mere wave of his pen. If you wished a half-million bond issue you simply called him up on the telephone and some "Light and Power Company" would hold a directors' meeting and vote a fifty-year debenture gold seven-per-cent security that you could peddle around at fifty-eight and one-eighth to unsuspecting investors, so as to net them merely thirteen per cent. on their money—when they got it. You could buy a million in these bonds for about three hundred and seventy-five dollars and fifty cents; but they were real bonds in real companies and legally issued against some form of property, even if it had no market value. Sometimes, I am told, these securities paid interest for a year or so, and the suckers got their friends in while there were a few left—bonds, I mean—there are always suckers.

Like all egotists, our client became careless as time went on and one day took it upon himself to issue a few hundred bonds in a company without holding a directors' meeting. He should not be severely blamed for neglecting a detail of this sort when he was so well aware of its purely formal if not farcical character. Still, it was one of those little slips that even the most careful of us will

sometimes make, and the district-attorney took an underhand advantage of our friend and indicted him for forging the names of the officers of the company to an unauthorized issue of bonds. Gottlieb and I had, perforce, to defend him; but, unfortunately, his real defence would have been even worse than the charge. He could not say that there was no real company and that there were no such human beings as the persons whose names he had written across the back of the bonds in question.

Poor fellow! He was an absolutely innocent man. Yet he went to Sing Sing for seven years for committing no crime at all. How could he forge the names of persons who did not exist? However, he had invented these financial Frankensteins and they finally overwhelmed him. Somewhere lying around I have my share of the fee in this case—I forget just where. It consists of fourteen millions in the securities of the National Mortgage and Security Company of Jampole, Mississippi.

CHAPTER VII

THE fear that most people have of the criminal law has its origin in their ignorance of it. They are, luckily, most of them unfamiliar with bailiffs and constables, except at a distance. The gruff voice of authority has echoed but dimly for them. They have heard of the "third degree," "the cooler," "the sweat-box," and "the bracelets," yet they have never seen the inside of a station-house; and their knowledge of jails, if they have any at all, is derived from reading in their childhood of the miraculous escapes of Baron Trenck or the Fall of the Bastile. They picture officers of the law as human bulldogs, with undershot, foam-dripping jaws and bloodshot eyes. The bourne—from which so many travellers never return—bounded by the criminal statutes, is a *terra incognita* to the average citizen. A bailiff with a warrant for his arrest would cause his instant collapse and a message that "all was discovered"

would—exactly as in the popular saw—lead him to flee at once.

Upon this dread of the unknown the criminal attorney plays whenever possible. It is his strongest asset, his stock in trade. The civil lawyer, vaguely believing that there must be a criminal law to cover every obvious wrong, retains him to put the screws on the evil-doer and bring him to terms. The man who has done a dirty business trick—in reality a hundred miles from being a crime—engages the shyster to keep him out of jail. The practical weapon of the criminal lawyer is the warrant of arrest. Just as at civil law any one can bring a groundless suit and subject his enemy to much annoyance and expense, so almost anybody can get almost anybody else arrested. Of course if there is no justification for it a suit for malicious prosecution and false arrest may result; but most persons who resort to such tactics are "judgment proof" and the civil law has no terrors for them at all. At least fifty persons out of every hundred would gladly pay an unrighteous claim rather than be subjected to the humiliation of arrest, even if their confinement were of the most temporary character.

In New York the right of having the defendant arrested in certain classes of civil cases is a matter

of statute. It is a preliminary remedy not half as much availed of as it might be. The young lady who brings a breach-of-promise action against her faithless follower has the right to put him under arrest and make him give bail; and the young gentleman who would laugh ordinarily at the mere service of papers may well settle her claim if a sheriff whispers in his ear that he has a warrant for his person.

In the early days, before Gottlieb and I practised at the criminal bar, a judgment creditor could arrest and lock up his delinquent debtor. This was a most ancient and honorable form of redress; and the reader has undoubtedly read dozens of novels in which some of the scenes are laid in "Fleet Street." This locking up of people who owed other people money but could not meet their just obligations was sanctified by tradition and deeply rooted in our jurisprudence; but the law governing the procedure in such cases was highly technical and the wind of destiny was somewhat tempered to the shorn lamb of the creditor. Thus, a warrant for the arrest of a debtor could not be executed on the Sabbath and, of course, had no value outside of the State. Accordingly the neighboring cities of New Jersey harbored thousands of bankrupt New Yorkers who could not pay their bills and suffered

a voluntary exile until they should be in funds again. Indeed, there were certain hostelries entirely given over to their accommodation. The man who had defied his creditors simply converted his available property into ready cash and slipped across the river to Jersey City or Hoboken, where he remained six days in every week and returned to the bosom of his adoring family on the seventh.

Later on civil orders of arrest were limited by statute to certain classes of cases, such as, for instance, the conversion of money.

Among our clients there was a certain exceedingly attractive young lady of French extraction named Mademoiselle Valerie Carrell, who was a popular favorite upon the light-opera stage when light opera was in swaddling-clothes. Our fair client, like many another histrionic genius, had more charm than business ability and was persuaded by an unscrupulous manager to intrust to him a large sum of money for investment in his various enterprises. Time went on, and, although he seemed to be successful in his ventures, he insisted that he had no money and was absolutely unable to repay her. In utter desperation she came to Gottlieb and myself for assistance and we speedily secured judgment for the full amount—fifteen thousand dollars—after a hotly contested trial, in which

the defendant perjured himself very unlike a gentleman. The only result was that Mr. Brown, the manager, gayly offered to settle for fifteen hundred, and, on receiving a curt refusal, transferred his residence to Hoboken, from which place he managed his business and paid furtive visits to the metropolis in the night-time. On Sundays, however, he always appeared in full regalia on Broadway and could invariably be seen entertaining his friends lavishly in the restaurants.

Gottlieb suffered this course of conduct to become a habit and then informed me that he proposed to collect the full amount of Mademoiselle Carrell's judgment upon the following Monday. I expressed some incredulity at the idea, but later events proved that my partner was well justified in his prophecy. We had long before procured a warrant for Brown's arrest and the only difficulty lay in executing it upon a week-day. Sunday came and as usual Brother Brown, with his customary bravado, made his appearance in the city. That evening Gottlieb invited me to dine with him at the resort ordinarily frequented by our quarry. True to his invariable custom, Brown turned up there with a party of his cronies and spent the evening in merry feasting, presumably upon the money of our client. It was a clear moonlight night and

when the glowworm showed the matin to be near—or, more correctly, when it neared twelve o'clock—Brown beckoned to the waiter, paid his bill out of a fat roll of greenbacks, winked good-naturedly at us, and bade his friends good-night. A moment or two later Gottlieb whispered to me to follow him and we stepped forth upon the street. Brown was strolling quietly down Broadway toward Twenty-third Street. A short distance behind followed a thick-set man with a square-cut jaw whom I had frequently noticed in Gottlieb's office.

On the corner of the cross-town thoroughfare Brown paused, looked first at the moon and then at his watch, and proceeded on his constitutional toward the ferry. The street, save for a distant and presumably somnolent policeman, was deserted. The thick-set man crossed to the other side of the way, quickened his steps, overtook and passed Brown, recrossed and sauntered toward him. A moment later there was a collision between them, voices were raised in angry altercation and presently Brown was rolling undignifiedly on the pavement, his calls for the police rending the stillness of the night. The officer hastily approached, whistling wildly for aid. Gottlieb and I took refuge in an adjacent doorway. Abruptly, however, Brown's outcries ceased. It is probable that a sudden vision

of the consequences of an appeal to police protection came to him as he lay like an overturned June-bug upon the sidewalk. But the law had been invoked. The car of Juggernaut had started upon its course.

"What's the trouble here?" cried the policeman as he arrived panting upon the scene.

"This fellow here assaulted me!" instantly answered the man with the bulldog jaw.

"It's a lie!" bellowed Brown, climbing to his feet.

"Well, what have you got to say?" inquired the officer.

Brown hesitated. If he made a counter charge he realized that he would have to go to the police station to make the complaint. This would keep him in the city until after midnight.

"Well?" continued the policeman.

Still Brown paused, rapidly taking account of stock. If he did not deny the charge in terms he would be locked up, which was just as bad. But the bull-jawed chap spoke first.

"I want this man arrested!" he insisted. "He deliberately attacked me!"

"I did no such thing!" shouted Brown. "He came at me without provocation and knocked me down."

"It took you long enough to say so," commented the officer. "I'll have to take you along to the house. Come on, both of you."

Grasping Brown by the arm, he marched him

down the street. Suddenly the unfortunate manager began to pour forth a long explanation, quite incoherent so far as the policeman was concerned. He was the victim of a frame-up—it was a job to get him arrested. The officer remarked unsympathetically that he had heard that sort of thing many times before. Gottlieb and I skulked in the rear. When the police station was at last reached the thick-set man made a charge of assault against the manager and Brown was compelled perforce to make a smiliar charge against his adversary. Then both were locked up to await a hearing the next morning in the magistrate's court, when, after a prolonged examination, Brown was discharged with an admonition against a too free indulgence in alcoholic liquors.

"Don't be hard on him, judge," said the bull-jawed man. "I had no trouble in defending myself. I think he has had lesson enough."

Much the worse for wear, Mr. Brown passed out of the court-room, only to be confronted on the sidewalk by a marshal with a warrant for his arrest. It was Monday morning. His period of immunity was over. His eye caught Gottlieb and myself standing on the corner.

"Well, boys," he exclaimed ruefully, "I'm caught. How much is it going to cost?"

"Fifteen thousand dollars," answered Gottlieb,

He lay like an overturned June-bug upon the sidewalk

adding, after a moment's pause—"and disbursements."

I need hardly add that Mr. Brown lost no time in raising the necessary ransom and within the hour had paid his judgment in full and secured his discharge. The days are long since over, however, when judgment debtors had anything to fear; and now a beneficent bankruptcy law, merely for the asking, washes all their debts away. But the power to secure another's arrest is even more easily available now than in the days of my early practice owing to the great number of new crimes created by the statutes.

One of the most ingenious devices for extorting money that ever came to my attention was invented by a client of mine named Levine—a poor sort of character, to be sure, but cleverer than many a better man. In detail his method was as follows: He first bought at wholesale a large quantity of cheap watches covered with gold plate. To the inexperienced they looked as if they might possibly be worth forty or fifty dollars apiece. They cost Levine about two dollars and twenty-five cents each. His next step was to select some small shop belonging to a plumber, grocer, or electrician which was ordinarily left in charge of a clerk while the owner was out attending to his work or securing

orders. Levine would find some excuse for entering the shop, engage the clerk in conversation, and having secured his attention would produce one of his watches and extol its merits at length, explaining what a great bargain it was and how—only owing to an exceptional concatenation of circumstances—he was able to offer it for the ridiculously low figure of thirty dollars.

Now it never made any difference to Levine whether the clerk wanted the watch or not. His procedure remained the same in all cases. He would first offer to let the fellow have it by paying one dollar a week on the instalment plan. If this did not appeal to the clerk Levine would persuade him to keep it for a short time on approval, paying down a dollar "as security." Almost all of his victims would agree to this if only to be rid of him. In default of aught else he would lay the watch on the counter and run away.

Nothing more would occur for a couple of weeks, during which the clerk would hold the watch pending its owner's return, little suspecting what was going on meantime. Levine, having "landed" his watch, immediately swore to a verified complaint in an action at law for "goods sold and delivered," setting forth that on the date in question he had sold—not to the clerk, but to his *employer*—a gold

watch for the sum of fifty dollars, which the latter had then and there promised to pay for at once. The complaint further recited that the money had been duly demanded and payment refused, and asked judgment for fifty dollars and the costs and disbursements of the action. Levine would then procure from some irresponsible person an affidavit that the latter had personally served a copy of the complaint in question, together with a summons, upon the defendant, and place the case on the calendar for trial. Of course no papers were in fact served on anybody and Levine would in due course secure judgment by default for sixty-odd dollars. Armed with a certified copy of the judgment and a writ of attachment, and accompanied by a burly deputy marshal selected for the ferocity of his appearance, Levine would wait until some opportune time when the owner of the shop was again absent and the shop had been left in charge of the same clerk or a member of the family. Bursting roughly in, he would demand whether or not it was the intention of the owner to pay the judgment, while at the same moment the deputy would levy on the stock in trade.

The owner of the shop, having been hastily summoned, would return to demand angrily what the rumpus was all about. By this time the clerk

would have recovered his wits sufficiently to denounce the proceeding as an outrage and the suit as baseless. But his master, who saw judgment against himself for sixty dollars and his goods actually under attachment, was usually in no mood to listen to, much less believe, his clerk's explanations. At all events, they availed naught, when Levine, with an expression of horror at such deliberate mendacity on the part of the clerk, was wont to say:

"Ask him, pray, whether he has not got the watch in his pocket at this very moment!"

Usually this was indeed the fact, as the clerk had no idea what else to do with it until Levine should return.

"So-ho!" his master would shout wrathfully. "What do you mean by saying that you did not agree to buy the watch? Why, you have kept it all the time! What's more, you've pretended to buy it in my name! And now my shop is turned into a bear garden and there is a judgment against me and my goods are attached! A fine result of your extravagance!"

"But I never agreed to buy it!" insists the clerk. "This man left it here on approval!"

"Pish!" answers the employer. "That is all very well; but what have you to say to the judg-

ment of the court? Now, my fine fellow, you will either pay up this money that you owe or I'll advance it myself and take it out of your wages."

In every case, despite the protests of the clerk, the money would be handed over and the shop released from levy. Unfortunately, after working the game for several years, Levine came a cropper by carelessly trying it on one of the same clerks that he had victimized some time before. The clerk, being of an unusually vindictive disposition, followed the matter up. Having first arrested the man who made the false affidavit of service, he induced him to turn State's evidence against my client and landed the latter in jail. Being a great reader, however, Levine did not find his incarceration particularly unpleasant; and, hearing of the Court of Appeals decision in the McDuff case, he spent his time in devising new schemes to take the place of his now antiquated specialty. On his release he immediately became a famous "sick engineer" and for a long time enjoyed the greatest prosperity, until one of his friends victimized him at his own game by inducing him to bet ten thousand dollars on the outcome of a prize-fight that he was simple-minded enough to believe had already been fought and won.

This was an elaborate variation of the ordinary wire-tapping game, where the sucker or lamb is in-

troduced to a person alleged to be an inside official of a large telegraph company, who is ready to sell advance information of the results of sporting events in return for a share in the profits. The victim is taken to a supposed "branch office" of the company and actually hears the results of the races coming in over the wires and being telephoned to the pool-rooms. Of course the whole place is merely a plant fitted up for his benefit. He is then taken to a supposed pool-room and gives up his money for the purpose of having it placed as a wager on a horse-race already won. Under the McDuff case, it had been held by the courts that he had parted with his money for an illegal and dishonest purpose—to wit, in an attempt to win money from another who was wagering his own money in good faith—and the rogue who had seduced his conscience and slit his purse went free. This was Levine's favorite field of operations.

But his friend went him one better. Knowing that Levine had salted away a lot of money, he organized a gang of "cappers" and boosters, who made a great talk about the relative merits of two well-known pugilists. It was given out that a fight was to be "pulled off" up the Hudson and a party was made up to attend it. A private car was taken by the friend in question and Levine was the guest

of honor. Champagne flowed freely. The fight came off in a deserted barn near a siding above Poughkeepsie; and Levine wagered all of his money, with other prosperous-looking guests in the car, under the assumption that a bargain had been made between the "pugs" that his man should win. But the supposed sports were all "boosters" in his friend's pay and the other man won after a spirited exhibition, which, although exciting, hardly consoled Levine for the loss of his money.

It is a curious fact that those of my clients who made great sums from time to time in ways similar to these rarely had any money; most of them died in abject poverty. Sooner or later all ran foul of the law and had to give up to the lawyers all they had managed to lay by.

When at last John Holliday, a dealer in automatic musical instruments, was "trimmed" out of sixty-five thousand dollars by various schemes of this character, the tardy Legislature finally amended the penal code in such a way as to do away with the farcical doctrine of the McDuff case and drove all our erstwhile clients out of business.

CHAPTER VIII

"SHAKE hands with Mr. Dillingham, Quib," said Gottlieb as I one day unexpectedly entered the latter's office. "We have a matter on hand in which he is interested."

"Glad to know you, Mr. Quibble," quoth the client, extending a rather soft hand. "Your name is well known to me, although I have never personally had the pleasure of your acquaintance."

"The future will, I trust, remedy that," I replied, not particularly impressed with the stranger's features or expression, but conscious somehow of the smell of money about him. For he was short and fat and wore a brown surtout and a black stovepipe hat, and his little gray eyes peeped out of full, round, red cheeks. On his lower lip he wore a tiny goatee.

"As I was saying," he continued, turning again to my partner, "we all of us make mistakes and I made my biggest one when I annexed the present Mrs. D. I was a young fool hardly out of my teens,

and the sight of a pretty face and a tearful story of woe were too much for me. She was an actress. *Comprenez?* A sort of a Lydia Languish, la-de-da kind of a girl. Oh, she caught me fast enough, and it was only after I had swallowed the hook, sinker and all, that I found out she was married."

"Ho-ho!" remarked Gottlieb. "The old story."

"The same little old story," assented Dillingham. "Take a cigar?" He produced a well-filled case.

I dropped into a chair and hitched it toward them.

"Now, the fact of the matter is," continued he, "she wouldn't look at me so long as she was tied to her husband, miserable rat though he was; and he was and is a rat! I could call and take her out to dinner, and all that, but—pst! nothing more! and she was always telling me how I was her good angel and inspired her to higher things! Gad! even then it bored me! But I could see nothing but her face. You know how it is. I was twenty-six and a clerk in a hardware house."

He laughed grimly.

"Well, as luck would have it, my Uncle James died just about that time and left me ten thousand dollars and I started in to make her my own by getting her a divorce. Now, this husband of hers

was a wretched fellow—the son of a neighbor—who never got beyond being a waiter in a railroad station. Say, it is rather rough, eh? To think of me, Dillingham, of Dillingham, Hodges & Flynn, the biggest independent steel men in the State, tied up to a pale-faced woman who can't speak the King's English properly and whose first husband is a waiter—yes, a waiter to-day, understand, in a railroad restaurant at Baltimore! It makes me sick every time I go to Washington. I can't eat—fact! So I hired a lawyer for her—you know him, I guess—Bunce. Oscar Willoughby Bunce! And he prepared divorce papers— Oh, we had cause enough! And the next time Hawkins—that was the husband's name, Arthur P. Hawkins—came over to New York, to borrow some money from his wife, Bunce slapped a summons on him. It makes me squirm to think how delighted I was to know we had actually begun our case. Hawkins hired a lawyer, I believe, and pretended he was going to put up a defence, but I bought him off and we got our decree by default. Then, gentlemen" —Dillingham paused with a wry face—"I had the inestimable privilege of marrying my present wife!"

He sucked meditatively on his cigar for a few moments before resuming his narrative.

"Curious, isn't it—the fascination of the stage?

You, gentlemen, probably have observed it even more than I have; but when he sees a slim girl with yellow curls capering around in tights behind the footlights, a young man's imagination runs riot and he fancies her the incarnation of coquetry and the personification of vivacious loveliness. I admit it —the present Mrs. Dillingham was a dancer. On the stage she used to ogle me out of my shoes and off it she'd help me spend my money and drink my wine and jolly me up to beat the cars; but once I'd married her she changed completely. Instead of a dashing, snappy, tantalizing sort of a little Yum-Yum, she turned religious and settled down so you wouldn't have known her. There was nothing in it. Instead of a peach I had acquired a lemon. I expected champagne and found I was drinking buttermilk. Get me? You would never have guessed she'd been inside a theatre in her life. Well, we got along the best we could and she made a hit at the church, as a brand plucked from the burning. Used to tell her experiences Friday nights and have all the parsons up to five-o'clock tea. Meanwhile I forgot my romantic dreams of flashing eyes and twinkling feet and began to get interested in business. To-day I'm worth real money and am on top of the heap downtown; but socially— Good Lord! the woman's a millstone! She's grown fat and talks through her nose, and——"

"You want to get rid of her," finished Gottlieb.

"Exactly!" answered Dillingham. "How much will it cost?"

"I think you had better give me your check for ten thousand dollars to begin with," replied my partner. "Such a case presents great difficulties—almost insuperable without money. I am not even sure that what you want can be accomplished without running grave personal risks—not on your part, but on ours. Such risks must be compensated for. What you desire, I take it, is to have your marriage annulled. To do that it will be necessary to prove that the divorce procured by Mrs. Dillingham from her former husband, Hawkins, was improperly and illegally granted. We must knock out the decree in Hawkins *versus* Hawkins somehow or other. To be frank with you, it may cost you a large sum."

"It is worth it," answered Dillingham. "Free me from this woman and I'll give you twenty-five thousand dollars."

"Make it thirty-five thousand dollars," coaxed Gottlieb.

"Well, then, thirty-five thousand dollars," said Dillingham after a pause.

"But you must promise to do exactly what we tell you!" continued my partner.

"I expect to," replied the other.

"Very good, then," said Gottlieb. "In the first

place, the original decree is no good unless the summons actually was served on Hawkins and the suit properly commenced. Now, perhaps Bunce served the wrong man. He didn't know Hawkins. The latter was merely pointed out to him. Already I begin to feel that there is grave doubt as to whether the proceedings in Hawkins *versus* Hawkins were ever legally initiated."

"Hold on, Mr. Gottlieb!" remonstrated Dillingham. "You want to go easy there. After Hawkins was served he retained a lawyer. I know that, dammit, because it cost me twenty-five hundred dollars to get rid of him."

"What was his name?" asked Gottlieb sharply.

"Crookshank—Walter E. Crookshank—down on Nassau Street."

Gottlieb gave a short, dry laugh.

"Luck's with you, Dillingham. Crookshank died three years ago."

None of us broke silence for the space of about two minutes.

"You see now why this sort of thing costs money?" finally remarked my partner.

Dillingham wiped his forehead with his handkerchief nervously.

"Say," he began, "isn't that taking a pretty long chance? I——"

"It is taking no chance at all," retorted Gottlieb, his little eyes glistening like a snake's. "You have simply retained us to see if your wife's original divorce was regular—not to see if it was irregular—catch on? You tell us nothing. We ask you nothing. We make our investigation. Much to our surprise and horror, we discover that the defendant never was served—perhaps that he never even knew of the proceeding until years afterward. We don't know what you know. You don't need to know what we know. We simply advise you the divorce is N. G. and you ask no questions. We'll attend to all that—for our thirty-five thousand dollars."

"Well, you know your business," responded Dillingham hesitatingly, "and I leave the matter in your hands. How long will it take?"

"Everything now depends on our friend Hawkins," replied Gottlieb. "We may be able to hand you your manumission papers in three months."

When Dillingham had written out his check and bade us good day I no longer made any pretence of concealing from my partner my perturbation. I had, of course, known that from time to time we had skated on thin ice; but this was the fist occasion upon which Gottlieb had deliberately acknowledged to a client that he would resort to perjury to accomplish his ends.

"Don't you think we're running entirely too close to the wind?" I asked, pacing up and down the office.

"My dear Quib," answered Gottlieb soothingly, "don't agitate yourself over so trifling a matter. The only living man who can prove that Hawkins was served is Bunce—and Bunce is a fool. At best it would simply be one swearing against the other. We have a perfect right to believe Hawkins in preference to Bunce if we choose. Anyhow, we're not the judge. All we have to do is to present the evidence at our command—if we can get it. And, by Gad! we will get it if it costs us ten thousand dollars! Why, Quib, the thing is a windfall. Thirty-five thousand! Why, thirty-five *hundred* for such a case would be a big fee!"

"I don't know!" I answered, for I felt a curious premonition in the matter. "Something tells me that we ought to take no chances."

"Come, come!" quoth Gottlieb, with a slight show of irritation. "Don't lose your nerve. You've done many a worse thing than this, to my own knowledge!"

I do not pretend to any virtue in the matter and yet I must admit to some feelings of compunction about Mrs. Dillingham. Truth to tell, I had taken a strong dislike to her husband, with his sleek confidence and cold-blooded selfishness. In addition,

I was quite sure that there was some other fell reason why he wished to divorce her—probably he had another marriage in contemplation, even if he had not admitted it.

"I wish we could make the beggar do his own dirty work," I exclaimed.

"But what does he pay us for?" inquired Gottlieb innocently. "Quib, just think of the money!"

I had, in fact, been thinking of the money, and it looked very good to me. Since my days in Haight & Foster's law office, a great, great change had come in my manner of life; and, though my friends to a great extent remained among the theatrical and sporting class to which I had received my first introduction on coming to New York, I now occupied a large brick house with stone trimmings in Washington Square, where I entertained in truly luxurious fashion. I had a French cook and an English butler, and drove a pair of trotters that were second to none except those of William H. Vanderbilt, with whom I had many a fast brush on the speedways.

Though I had never allowed myself to be caught in the net of matrimony, I had many friends among the fair sex, particularly among those who graced the footlights; and some of my evening parties did not break up until dawn was glinting over the roofs of the respectable mansions round about me. It

was a gay life, but it cost money—almost more money than I could make; and my share in the thirty-five thousand dollars offered by our friend Dillingham would go a long way to keeping up my establishment for another year. So I allowed my qualms to give me no further uneasiness and told myself that Gottlieb was clever enough to manage the business in such a fashion that there would be no "come-back."

A week or so later I encountered in our office a narrow-shouldered, watery-eyed, reddish-nosed party that I instantly recognized for Hawkins. There could be no doubt about the matter, for he had a way of standing at attention and thrusting his head forward when addressed that were unmistakable. He was waiting, it turned out, for Gottlieb, who had sent for him to come on from Baltimore; and the readiness with which he had responded could be better accounted for by the five hundred dollars which he had received at the hands of our emissary for travelling expenses than by any desire on his part to regain the society of the present Mrs. Dillingham.

"I suppose," began Gottlieb when he had retired to the seclusion of his inner office, "that you fully understand that the divorce secured by your wife is inoperative— Tut! Tut! Don't interrupt me!"

—for Hawkins had opened his mouth in protest—"for the reason—for the very good reason, I repeat—that you were never served with any summons or notified that the proceeding had been commenced. Am I correct?"

Hawkins grinned and turned his watery eyes from one of us to the other.

"Quite so, sir!" he stuttered. "Exactly, sir!"

"Now, on the contrary, if any one says you were served with such a paper, it was quite impossible, for the reason—by the way, what *was* the reason?"

Hawkins dropped one eyelid to a narrow slit and pursed his lips.

"Quite impossible, sir! The fact is, sir, I was waitin' on a dinin'-car that ran at the time between San Antonio and New Orleans, sir."

"You see, Quib!" exclaimed Gottlieb. "My suspicions in the matter were quite correct. This gentleman has been most outrageously treated! If you will kindly retire for a moment—as I have a matter which I wish to discuss with him privately—I will turn him over to you for the purpose of taking his affidavit."

A few moments thereafter Hawkins appeared in my office, apparently in the act of stuffing something into his pocket, and announced that he was ready to sign his "davy." Although I had no taste

for the business, there was nothing for it but to do my part; so I called in a stenographer and dictated the following:

SUPREME COURT—COUNTY OF NEW YORK

RUFUS P. DILLINGHAM, Plaintiff
against
LILIAN DILLINGHAM, Defendant
} *Action for Annulment of Marriage*

CITY AND COUNTY OF NEW YORK, *ss.*:

ARTHUR P. HAWKINS, being duly sworn, deposes and says: that he is forty-three years old, a waiter by occupation, and resides in the city of Baltimore, Maryland; that he was married to the defendant herein on the eighteenth day of June, 187–, and thereafter lived with her as man and wife until the month of December, 1882, when for some reason unknown to deponent the defendant left his house and did not thereafter return; that he has recently learned that said defendant, in July, 1887, procured a decree of divorce against him in the county and State of New York, upon grounds of which deponent is totally ignorant, and that thereafter said defendant contracted a marriage with one Rufus P. Dillingham, the plaintiff herein; that deponent was never served with any summons or complaint in said action of divorce and had no knowledge or information that any such proceeding was pending against him; that he never appeared in such proceeding and until recently always supposed that the defendant was his lawful wife.

Sworn to before me this fourteenth day of September, 1894
} ARTHUR P. HAWKINS

ISAAC M. COHEN,
Notary Public, New York County.

There was something about this seedy rascal that filled me with disgust and suspicion, and he looked at me out of the corners of his evil eyes as if he knew that by some trick of fate he had me in his power and was gloating over it. Even while he was swearing to the paper he had a sickly sneer on his pimply face that sickened me; and when Cohen, my clerk, administered the oath to him he had the audacity to wink in his face and answer:

"It's the truth—*not!*"

Cohen, who knew a thing or two and had taken affidavits before, merely laughed, but the words sent a shiver down my spine and I snarled out:

"Be careful what you are saying! Do you swear that this affidavit of yours is true?"

"Yes, sir! Yes, sir!" he hastened to answer, somewhat chagrined at my not taking as a joke what he had intended for one.

"Very well," said I to Cohen. "Show the gentleman out. I'm very busy. Good-day."

Afterward I would have given all the money I possessed to undo what I had done.

. . . . . .

The case of Dillingham *versus* Dillingham duly came on for trial, with Oscar Willoughby Bunce as the chief witness for the defendant. He had visited our office several times in an attempt to convince

us that we were entirely misinformed in regard to the service of the papers in the original action and had insisted vehemently that he had personally delivered them to Hawkins in the office of the Astor House. Gottlieb had gently assured him that he must be mistaken and bowed him out, but Bunce for once in his little toy career was "all up in the air." He felt that his own integrity was, in some mysterious way, at stake, since it was upon his own testimony to the effect that he had made the service of the papers in question that the original decree had in part been granted. The case was sent to a referee for hearing, and on the morning of the day set Gottlieb called me into his office and said:

"Harkee, Quib! I've a plan that will put our little friend Bunce's nose out of joint for good. It is nearly seven years now since he has seen Hawkins and it was then only for a moment."

"Well," said I, "what is your game?"

"Come along to the hearing and you'll find out, my lad," answered Gottlieb. "Don't fail if you want to see some fun."

Curious to discover what trick Gottlieb would be able to play, I accordingly arranged my work so as to attend the hearing, which was to be held in the referee's office in an old wooden building on Broadway. As I climbed the stairs I caught sight of

Hawkins skulking on one of the landings, but he laid a finger on his lips and I passed on and up to the attorney's office. The room, like most old-fashioned lawyers' offices, was but dimly lighted, and on entering I found the other side, with the exception of Mrs. Dillingham, already there. The referee sat at one end of a large table, surrounded by his books, with the stenographer beside him; and to his left sat Bunce and a lawyer named Stires, the present "attorney of record" for the defendant. I took my seat opposite them, introduced myself to the referee and waited. In a few moments the door opened noisily and Gottlieb entered with much bustle, accompanied by a clerk carrying books and papers and by a perfectly strange man, arrayed in very new clothes, who seemed much embarrassed and doubtful as to what he should do.

"Good afternoon, gentlemen!" exclaimed Gottlieb breezily. "I regret to have kept you waiting, but I was unavoidably detained. Shall I sit down here? Yes? Very good. Please take your seat beside me, Mr. Hawkins."

The stranger blushed, fumbled his hat, and sat down bashfully in the place designated.

"Are you ready to proceed, gentlemen?" inquired the referee over his spectacles. "Call your first witness."

Bunce, who had been fidgeting in his eagerness to tell what he knew, instantly bobbed up and asked to be sworn.

After giving his name, age, and profession, he detailed how he had prepared the papers in the original case of Hawkins *versus* Hawkins and served them upon the defendant personally at the Astor House.

"I handed them to Mr. Hawkins myself and explained them to him. He was dressed very much as he is now," cried Bunce.

"Do you positively identify this gentleman on your oath as the person you served with the summons and complaint?" inquired Gottlieb as if the matter were merely one of routine.

"Absolutely!" retorted Bunce hotly. "I could identify him anywhere by the shape of his nose. I took especial pains to remark his appearance in case the service should ever be disputed."

"Thank you. That is all," said Gottlieb. Then turning to the stranger he directed him to take the stand.

"What is your name?" he asked sternly.

"Aaron Finklestein—as you know very well, Mr. Gottlieb," answered the stranger.

"Do you recognize this gentleman who has just testified?" indicating Bunce.

"As far as I know I never saw him in my life," answered Finklestein.

"Did he ever serve you with any papers—in the Astor House or anywhere else?"

"Never."

"What is your business?"

"I am an undertaker."

In an instant the room was in a turmoil, Bunce screaming out that he had been tricked by a parcel of shysters, Gottlieb indignantly defending his ruse as a perfectly proper method of discrediting Bunce, and the referee vainly endeavoring to restore order. As for myself, in spite of my anxiety over the whole affair, I could not do otherwise than laugh heartily over Bunce's ludicrous mistake. When Hawkins was brought in from outside and, after proclaiming his identity, denied ever being served in the original action, the referee was but little inclined to listen to Lawyer Bunce, who now corrected his testimony and swore just as insistently that the real Hawkins was the person to whom he had given the papers in the case.

Here, then, was as pretty a trick as had ever been played on an unsuspecting and well-meaning lawyer; and by it Gottlieb had so strengthened our position that, very likely, the referee would have found for our side even had not Hawkins taken it

upon himself to swear the matter through. Moreover, the only person who could have disproved the latter's testimony or given evidence that might have militated against its probability—to wit, Crookshank, his former attorney—was dead and buried, and it seemed as if truth were buried with him. On the way back to our office I congratulated my partner on the Napoleonic strategy which he had displayed and a few days later a more substantial compliment followed, in the shape of an unqualified finding in our favor on the part of the referee.

"Was ever thirty-five thousand dollars earned so easily?" laughed Gottlieb over his cigar as we were dining at Delmonico's.

"So long as Hawkins stays bought—yes," I answered.

"Don't be a death's head, Quib!" he retorted. "Why, even if he turned State's evidence, no one would believe him! Have another glass of this vintage—we can drink it every night now for a year at Dillingham's expense!"

"Well, here's to you, Gottlieb!" I answered, filling my goblet with the creaming wine; "and here's to crime—whereby we live and move and have our being!"

And we clinked our glasses and drained them with a laugh.

I had now been a resident of New York for upward of twenty years and had acquired, as the junior member of the firm of Gottlieb & Quibble, an international reputation. It is true that my partner and I felt it to be beneath our diginity to advertise in the newspapers—and, indeed, advertising in New York City was for us entirely unnecessary—but we carried a card regularly in the English journals and received many retainers from across the water; in fact, we controlled practically all the theatrical business in the city, drawing the contracts for the managers and being constantly engaged in litigations on their behalf. We had long since abandoned as trivial all my various profit-sharing schemes, and, with the exception of carrying on our pay-rolls many of the attendants attached to the police and other criminal courts, had practically no "runners." We did not need any. There was no big criminal case in which we were not retained for the defence and rarely a divorce action of any notoriety where we did not appear for one of the parties.

This matter of Hawkins's was the first in twenty years in which we had ever deliberately faked an entire case! Yet, if ever there was a safe opportunity to do so, this seemed the one, and I cannot even now charge Gottlieb with recklessness in taking the chances that he did; but, as luck would

have it, there were two facts connected with the Dillingham annulment the significance of which we totally overlooked—one, that Bunce was not so much of a fool as he looked, and the other, that Mrs. Dillingham was a mother.

Once, however, judgment had been entered to the effect that Mrs. Dillingham had never lawfully ceased to be Mrs. Hawkins, then the real reason of our client's anxiety to be rid of his wife and her child, a girl of six years, became apparent; for he instantly announced his engagement to a fashionable widow, who lacked money if not experience, and who needed the one as much as he had a superabundance of the other. He made a fairly liberal allowance for his child and its mother, and since this was paid monthly through our office, I had an opportunity of making their acquaintance; and I confess that I had no sooner done so than I began to have a sort of regret for my own part in the transaction. For Mrs. Dillingham—Hawkins, or whatever she was—proved to be a rather sweet-faced young woman, with great, sad blue eyes and a winsomely childish innocence of expression that concealed, as I afterward found out, a will of iron and a heart full of courage.

She used to come and wait for Gottlieb or me to pay over her money, and while she waited she would

sit there so helplessly, looking withal so lovely, that the clerks cannot be blamed for having talked to her. Incidentally she extracted from the susceptible Cohen various trifles in the way of information which later proved highly inconvenient. Yet she never asked me or my partner any questions or showed the slightest resentment at the part we had played as her husband's attorneys in ruining her life. Sometimes she brought the little girl with her and I marvelled that Dillingham could have sacrificed such a charming little daughter so easily.

Six months passed and the Dillingham scandal ceased to be a matter of public or even of private interest. Other affairs, equally profitable, engaged our attention, and the waiter, Hawkins, having received a substantial honorarium from the firm's bank account, had passed completely out of our minds. I had that winter been giving a series of dinners at my house to my actor clients and their managers, and these had proved conspicuously successful for the reason that my guests were of the sort who, after the wine had begun to flow, had no hesitation in entertaining the rest of the company by an exhibition of their talents. Occasionally, as part of the fun, I would do a bit of a turn myself by way of reviving old memories of the Cock and Spur and my Athenæum days in Boston.

I marvelled that Dillingham could have sacrificed such a charming little daughter so easily

It was on one of these festive occasions—not unlike, my readers may recall, my famous translation from college during my banquet at the Cambridge Tavern—that Fate struck me my first severe blow. My guests were still sitting at table while one of the ladies executed a fantastic dance amid the wine-glasses, when my butler touched me upon the arm and whispered that Mr. Gottlieb was outside and desired to see me on urgent business. Excusing myself, I hurried out, greeting my partner rather impatiently, as I disliked to be interrupted by business details in my hours of relaxation; but one sight of his weazened little hawk face sufficed to tell me that no trifling matter was at stake. He was in his day clothes, which were even more than ordinarily dishevelled, and his face, usually pale, was chalklike.

"Quibble," he cried in a rasping voice as soon as my man had gone, "our luck's turned! That woman has tricked us. She and Bunce went down to Crookshank's office and, under the pretext of looking for some deed or release, went through his papers and turned up some letters from Hawkins in regard to the original divorce proceedings. They've got one in which he admits being served by Bunce in the Astor House and asks Crookshank to appear for him. They've got another, written

after Dillingham had fixed him, telling Crookshank to put in no defence. Yesterday she and Bunce went before the grand jury, who returned an indictment against Hawkins for perjury. Then she telegraphed him to come on to New York and meet her to arrange some money matters; and when he stepped off the train this afternoon he was arrested and taken to police head-quarters."

"My God!" I cried, turning quite faint. "What's to be done?"

"Get him out of the way as soon as possible!" answered Gottlieb, his lips trembling. "To-morrow morning he will be arraigned in the General Sessions. They are going to ask for fifty thousand dollars bail. We've got to get it. It's the only thing that stands between us and State prison, for they've got the goods on Hawkins and unless we see him safe he'll turn on us and help them send us up!"

"Have you seen him?" I gasped.

"I've just come from head-quarters," he answered. "The fool had been drinking and had given up a lot of information already. So I frightened him until he agreed to shut up. The trouble is we gave him too much money. He says now that unless we protect him and keep him out of State prison he will give up the whole game to the

district attorney. That would be fine, wouldn't it! The district attorney wouldn't waste much time on Arthur P. Hawkins if he could land Gottlieb & Quibble in jail for subornation of perjury, would he—eh? We've got to scratch gravel—and quick too!"

"But where can we raise fifty thousand dollars?" I groaned helplessly.

"Dillingham," he retorted without hesitation. "He's our only hope. He's in as bad as the rest of us. If we go we can pull him along too. I understand that the woman is prepared to swear not only that Hawkins admitted to her that he was properly served, but that she told this to Dillingham, and that he and Hawkins talked the thing over in her presence. Besides, Cohen confessed to me to-day that she had pumped him all about Hawkins's coming over to New York and signing papers; and, although he swears he didn't tell her anything in particular, yet I don't trust the idiot. No, Quib; it's bad business and we've got to get Hawkins out of the way at any cost."

It was not until nearly three o'clock in the morning that I discovered Dillingham's whereabouts, which happened to be the Fifth Avenue house of a fashionable friend, where he was playing poker. He greeted me in much the same inhospitable fash-

ion that I had accorded to Gottlieb, but only a few words were needed to convince him of the gravity of the case. I had never loathed the man more than I did at that instant when, with a cigar stuffed in his fat face, he came out of the card-room, dressed in his white waistcoat and pearl studs, and with a half-drunken leer asked what I wanted.

"I want fifty thousand dollars to keep you and me out of State prison!" I cried.

He turned a sickly yellow and gave a sort of choking gasp.

"Hawkins!" he muttered. "Damn him!"

Then Dillingham had a sort of fit, due no doubt partly to the fact that he had drunk more champagne than was good for him; for he trembled with a kind of ague and then broke out in a sweat and blubbered, and uttered incoherent oaths, until I was half beside myself lest he should keep it up all night and I should not get the money from him. But at last he regained control of himself and promised to borrow the fifty thousand dollars the first thing in the morning and to have it at my office by ten o'clock. Yet, as I bade him good night, he had another turn of terror and his teeth chattered in his head as he stammered out that he was a ruined man, that he had cast off a good wife for a deceitful hussy who only wanted his money, that he had lost his

child, that now his career was over, and that, unless I stood by him, he would end his days in prison. This was hardly the sort of encouragement I wanted; and though his words brought the cold sweat out upon my back, I told him pretty sharply that he had better pull himself together and not be any more of a fool than he could help, that all we needed was enough money to whip Hawkins out of the way, and that if he would "come up" with the needful we would look out for him. I left him a disgusting sight, sitting in a red plush armchair, with his face in his hands, his hair streaking down across his forehead, moaning and mumbling to himself.

Outside, the city slept the prenatal sleep of dawn. A pale greenish veil hung over the roofs, through which day must peer before awakening those who slept beneath. I had often noticed this greenish color in the sky, made doubtless by the flare of gas and electricity against the blue-black zenith, yet never before had I felt its depressing character. It was the green of jealousy, of disappointment, of envy, hatred, and malice and all uncharitableness! The city trembled in its sleep and the throbbing of its mighty pulse beat evilly upon my ears with distant hostile rumblings. I was alone in it and in danger. Disaster and ruin were looking for me

around the corner. I was like a child, helpless and homeless. I could not call upon God, for I did not believe in Him.

It came home to me, as I stood there in the night upon the open street, that there was not one soul among all the city's sleeping millions who owed me aught but harm, and that even those who had drunk the wine of my hospitality had done so more in fear than in friendship. I had no friends but those who were bound to me in some devil's bargain—no kith, no kin, nor the memory of a mother's love. As I lingered there, like some outcast beast waiting for day to drive me to my lair, I envied, with a fierce hatred and with a bitter and passionate pity for myself, those to whom Fate had been more kind and given home and wife and children, or at least the affection of their fellow men, and I envied the lads I had known in college who led clean lives and who had shunned me—they knew not why—and the happy-go-lucky Quirk and his busy wife; and even old Tuckerman Toddleham, in his dingy office in Barristers' Hall.

CHAPTER IX

DAYBREAK found me still wandering in the streets, haunted by the fear that the police might already be upon my track and furious at the thought that one foolish step should have changed me from a prosperous and powerful member of the bar into a fugitive. Often in earlier days I had pitied the wretches who would come slinking into our office after nightfall, empty their pockets of gold and notes—taken often, no doubt, by force or fraud from others—and pour it out before us, begging for our aid to save them from punishment. It seemed incredible to me that human beings should have staked their liberty and often their lives for a few wretched dollars. Outcasts, they skulked through existence, forced, once they had begun, to go on and on committing new crimes—on the one hand to live, and on the other to pay tribute to Gottlieb and myself, who alone stood between them and jail. How they had cringed to us. We were their masters, cracking the lash of black-

mail across their shoulders and sharing equally, if invisibly, in their crimes! And how I had scorned them—fools, as they seemed to me, to take such desperate chances! Yet, as the sun rose, I now saw myself as one of the beings whom I had so despised. We were no longer their masters—they were our masters! Hawkins had us in his power. He alone could prevent us from donning prison stripes.

Already the streets were beginning to stir. Wagons rumbled along the pavements. Streams of people emerged from the caverns of the east and trudged westward across the city. I circled the square and entered it from the lower side. My big brick mansion, with its stone trimmings—the home where I had held my revels and entertained my friends, where I had worked and slept—was but a stone's throw away. I strained my eyes to detect any signs of the police; but the street was empty. Then, pulling my hat down upon my head, I turned up my coat-collar and, glancing from side to side, hurried across the square and let myself in.

The household still slept. The air was close and heavy with the perfume of roses and the reek of dead cigars. On the floor of the entrance hall lay a pair of women's white gloves, palms upward. Beyond, through the open doors of the dining-

room, I could see the uncleared table, littered over with half-empty bottles and glasses. An upset chair reclined as it had fallen. Last night I had been an envied host: to-day I was an outcast.

As I stood there, a shadow darkened the doorway and with a leap of the heart I jumped behind a portière. Then, as the shadow remained and knowing that in any event I was trapped, I threw open the door. Gottlieb, with wild eyes peering out of a haggard face, stood before me. Without a moment's hesitation, he dodged inside.

"Did you get it?" he almost shrieked.

"Yes," I answered faintly. "What are we to do?"

"For God's sake, give me something to drink!" he cried. "I need it!"

I led him to the sideboard and filled two glasses with whiskey.

"Here's to crime!" I muttered, with a bitter laugh.

Gottlieb shot a fierce look at me and his hand shook so that I thought he would drop the tumbler; but he poured the liquor down his throat and threw himself into a chair.

"That fellow has us by the throat!" he groaned.

"We should have thought of that—" I began.

"Stop!" he gasped. "You can hold a post-mortem later on. They haven't got us yet—and,

by God! we've a long start. Once let us whip Hawkins out of the way and they're helpless! I must stay here to fight the case, but you, Quib, must take this fellow where they'll never find him—Africa, Alaska, Europe—anywhere! If you could drop him over a precipice or off an ocean liner—so much the better!"

For an instant we eyed each other keenly. Then I shook my head.

"No," said I. "If it came to that I'd rather go to jail."

It was now nearly seven o'clock and I felt faint for something to eat; so I stumbled upstairs and awakened my butler, who stared at me stupidly when he saw me beside his bed in evening dress. When I rejoined Gottlieb I found him examining the morning paper, which a boy had just brought to the front door. Across the first page in double-headed type was printed:

THE DILLINGHAM DIVORCE AGAIN

Arthur P. Hawkins Indicted for Perjury
Extraordinary Disclosures Expected
Two Prominent Criminal Attorneys Said to be Involved

"They've raised the hue and cry already!" muttered my partner, pointing to the paper. "Damn

them! How ready they are to turn on a man! Think of all the stories I've given to these very papers! Stories worth thousands of dollars to 'em! And now— They're after our hearts' blood!"

While we were waiting for our breakfast he outlined his plan. We were to get Hawkins out of town as soon as we had given bail for him. Of course the railroads and ferries would be watched, but we could manage somehow. I must take the fellow where nobody would find him and keep him there. If he ever were brought back and convicted he would turn on us like a snake. Only while he still hoped to escape prison could we count on his co-operation. Meanwhile my partner would remain in the city and try to upset the indictment. Anyhow, some one must stand guard over Dillingham; for, if he lost his nerve and endeavored to save himself by confessing his part in the affair, we would be lost!

Gloomily we ate a few pieces of toast and swallowed our coffee. Then I hastily changed my clothes and accompanied Gottlieb to the Tombs, to which Hawkins had been transferred the night before. He was brought down to us in the counsel-room, looking like a scared and sickly ghost. What little spirit he had before had already vanished. I have never seen a more wretched human creature.

His one dread was of going to prison; and together we hastened to convince him that his only avenue of escape lay through us. We pointed out to him that so long as he stuck to the story we should prepare for him he had nothing to fear; and, as evidence of our power to protect him, we instanced the fact that we had already secured fifty thousand dollars' cash bail for him. At this he took much heart, and even whistled a bit and begged us for a drink, but we slapped him on the back and told him that he could have anything he wanted once he was outside the Tombs—not before; so he gave us a cold, slimy hand and promised to do precisely as we wished.

Ten-thirty came and we both walked across to Part One of the General Sessions, where for so many years we had been monarchs of all we surveyed. A great throng filled the room and many reporters clustered around the tables by the rail, while at the head of a long line of waiting prisoners stood the bedraggled Hawkins. Presently the judge came in and took his seat and the spectators surged forward so that the officers had difficulty in preserving order. Somehow, it seemed almost as if we were being arraigned ourselves—not appearing as counsel for another; but Gottlieb preserved his composure admirably and, when Haw-

kins's name was called, stepped forward, entered a plea of not guilty for him and gave bail. We had already deposited the money with the city chamberlain and Hawkins was immediately discharged, pending his trial for perjury; but the tremendous sum demanded as security and the fact that it was immediately forthcoming for a prisoner who looked as if he had not a cent in the world of his own, and who was known to be a mere waiter in a restaurant, caused a sensation throughout the court-room; and as we forced our way to the street we were accompanied by a multitude, who jeered at the defendant and occasionally took a fling at Gottlieb and myself. We still, however, were persons to be feared, and few dared venture beyond making suggestive allusions to our obvious desire to secure the immediate liberty of our client.

So far we had no reason to believe that the district attorney—a man of high integrity and unrelenting zeal in the discharge of his official duties—had sought to tamper with Hawkins; but I instinctively felt that, once he had an opportunity to offer the latter personal immunity in return for a confession which would implicate Gottlieb and myself all would be over. As my partner had said, there was only one thing to do—and that was to put it out of our client's power to do us harm. The first

step in this direction was to get him hopelessly drunk, and this we successfully did in a back room of our office.

Both of us knew that a dozen pairs of eyes were watching the entrance of the old-fashioned building in which our rooms were located, and that any attempt on our part to get Hawkins out of the city would result in his immediate arrest. Once he were sent back to the Tombs he would be out of our control. So, for three days, we kept him—a foul, unwashed, maudlin thing—a practical prisoner, although from his condition quite unconscious of it. Day and night, turn and turn about, Gottlieb and I watched while he snored and gibbered, cursed and giggled; but the strain was getting too much for both of us and we set ourselves at work to devise a way to spirit him away.

Our offices were situated in a block the other side of which consisted of tenement-houses. Investigation showed that it would be possible to get over the roofs, walk nearly the length of the block and gain access to one of the more distant tenements through a skylight. For the sum of fifty dollars we found an Italian fruit-dealer who was willing to hire himself, his rickety wagon, and his spavined horse for our enterprise; and he agreed to carry Hawkins concealed under piles of produce to a

point on Long Islnad, where we could take a ferry across to one of the Connecticut towns.

The following night we arranged that a hack should be drawn up early in the evening in front of the entrance to the office, and bags and boxes were brought out and piled upon the seat beside the driver. We then half dragged, half lifted Hawkins up the stairs and on to the roof by means of a shaky ladder and conducted him across the leads to the scuttle of the tenement-house. At this juncture, by prearrangement, three of our clerks, one of whom somewhat resembled Hawkins in size and who was arrayed in the latter's coat and hat, rushed out of the office and climbed into the hack, which at once set off at a furious gallop up Centre Street. Coincidently Gottlieb and I escorted our still maudlin prisoner down the narrow stairs at the other end of the block and cajoled him into getting into a sack, which the Italian placed in the bottom of the cart and covered with greens. I now put on a disguise, consisting of a laborer's overalls and tattered cap, while Gottlieb wheeled out a safety bicycle which had been carefully concealed in the basement.

I had ten thousand dollars in the pocket of my ragged trousers and a forty-four-calibre revolver at my hip. Gottlieb drew me back into the shadow and whispered harshly in my ear.

"'Quib," said he, "this fellow must never come back!—do you understand? Once the district attorney gets hold of him, it's all up with us! It's Sing Sing for each of us—ten years of it! For God's sake, hire somebody to put him out of the way!—quietly. Many a man would take him off our hands for a thousand or so."

I shuddered at the cold-blooded suggestion, yet I did not utter one word of refusal, and must have led Gottlieb to believe that I was of a mind with him, for he slapped me on the shoulder and bade me good luck. Good luck! Was ever a man of decent birth and education forced upon such an errand? The convoying of a drunken criminal to —where? I knew not—somewhere whence he could not return.

Thus I set forth into the night upon my bicycle, my money bulging in my pocket, my pistol knocking against the seat at every turn of the wheel, my trousers catching and tearing in the pedals. At last I crossed the bridge and turned into the wastes of Queens. Gas-houses, factories, and rotting buildings loomed black and weird against the sky. I pedalled on and at last found myself upon a country road. I dared not ask my way, but luckily I had stumbled upon the highway to Port Washington, whence there was a ferry to the Connecticut shore.

As I stole along in the darkness, my ear caught far ahead a voice roaring out a ribald song—and I knew that the time had come to take personal charge of my wretched client—the "old man of the sea" that my own cupidity had seated upon my shoulders. Soon I overtook them, the Italian stolidly driving his weary horse and Hawkins sitting beside him with the sack wrapped about his shoulders. I halted them, threw my bicycle in among the vegetables, and climbed up to where they sat. Hawkins gave a great shout of laughter when he saw who it was and threw his arm around my neck, but I pushed him away and he nearly fell under the wheels. My gorge rose at him! Yet to him I was shackled as tightly as ever a criminal was to his keeper!

The thought of the remainder of that night and of the ensuing three days and nights sickens me even now. In the early dawn we crossed the ferry with dozens of other produce-laden wagons and landed on the opposite side of the Sound, where we caught a local train for Hartford. I had made no arrangements for communicating with Gottlieb, and was in utter ignorance of whether or not our escape had been discovered. We sat in the smoking-car, Hawkins by this time ill and peevish. The air was stifling, yet I could not, arrayed as I was or in the company of my client, go into the

regular passenger coach. At Hartford we changed for Springfield and I purchased a New York paper. There was nothing in it relating to the case and I breathed more easily; but, once in Springfield, I knew not which way to turn, and Hawkins by this time was crazy for drink and refusing to go farther. I gave him enough liquor to keep him quiet and thrust him on a way train for Worcester. Already I had exhausted my small bills and when I tried to cash one for a hundred dollars the ticket agent in the station eyed me with suspicion.

That night we slept in a single bed, Hawkins and I, in a cheap lodging-house—that is, *he* slept a sordid, drunken sleep, while I lay tossing and cursing my fate until, burning with fever, I rose and drained part of the water in the pitcher. Yet, in the early morning hours there came to me the first ray of hope throughout that dreary space since I had left New York—the Quirks! The Quirks! Twenty years had passed since I had heard from them. They might be dead and gone long ago without my knowing it; yet, were they alive, I felt that one or other of them would hold out a friendly hand for auld lang syne. Before daybreak, I stole forth, hired a horse and buggy, asked the way to Methuen and, rousing Hawkins, bundled him, whining and fretting, into it.

Slowly we drove in the growing light through the country lanes I had known and loved so well as a lad—the farmland which was the only friendly thing in my disconsolate boyhood. It was in the early spring and the apple-trees along the stone walls by the roadside were showered with clustering blossoms. Dandelions sprinkled the fields. The cloud shadows slowly moved across rich pastures of delicate green. A sun-warmed, perfume-laden breeze blew from the east, tinged with a keen edge that sent the blood leaping in my temples. Tiny pools stood in the ruts glinting blue toward the sky. The old horse plodded slowly on and the robins called among the elms that stood arching over white farm-houses with blinds, some blue, some green.

With a harrowing sense of helplessness, the realization of what I had thrown away of life swept over me. I turned from the sodden creature beside me in disgust. Hawkins had slumped back in his seat, so that his head rested upon the hood, and had fallen sound asleep, with his mouth wide open. How I wished that I had the courage to strangle him—and then it came to me that, after all, it was not he who had ruined me, but I who had ruined him!

About noontime we came to a landscape that seemed familiar to me, although more heavily

wooded and with many more farms than I remembered; and at a turn in the road I recognized a couple of huge elms that marked the site of the homestead occupied in my boyhood by the Quirks. There was the brook, the maple grove upon the hill, the old stile by the pasture, and the long stone wall beside the apple orchard, radiant with white. Yet the house seemed to have vanished. My heart sank, for somehow I had assumed that the Quirks must still be living, just as they had always lived. And now, as we drew near the turn, I saw that the place where the homestead had stood was empty, and all that remained was a heap of blackened stone and brick thickly overgrown with brambles.

Fifty yards farther down the road we came upon an old man sitting on the fence, smoking a pipe. He wore a tattered old brown felt hat and overalls, and his long gray hair and beard were tangled and unkempt. I passed him the time of day and he answered me civilly enough, although vacantly; and I saw that his eye had the red film of the drunkard. When I asked him for Quirk, the schoolmaster, who used to live thereabout he gave a mirthless chuckle.

"My name's Quirk," said he; "but it's fifteen years since I taught school. How did you come to know of me?"

Could this be Quirk?—this aged and decrepit old man! Somewhere beneath that mat of hair and beard, did there remain traces of those good-natured lineaments that were wont to set the boys in a roar? I scanned his face closely. The man was a stranger to my recollection.

"Do you remember me, Mr. Quirk?" I asked.

He peered out at me under his bushy brows and slowly removed his pipe.

"Not to my knowledge," he answered. "What might be your name?"

"Quibble," I returned—"Artemas Quibble."

"Artemas Quibble!" he exclaimed in a faltering voice and feebly crawled over to the buggy.

I climbed down to meet him and extended my hand.

"What has happened to you?" he stammered. "I thought you were a great lawyer in New York."

"I'm in a peck of trouble," I answered. "I need all the friends I've got. I hope you're still one of them?"

"Well, well!" he muttered. "And to think that you're Artie Quibble! And who may this be?" pointing to Hawkins.

"I'll tell you all," said I, "later on. For the present, he's a friend of mine who's travelling with me —more on business than on pleasure."

Quirk's story was soon told. As I already suspected, drink had become his master. The school had fallen away, his wife had died, and in a fit of despondency he had—he said accidentally, but I believe intentionally—overturned a lamp and set fire to the house. Now he lodged in a small hovel farther down the road, living from hand to mouth, and doing a day's work here and there when chance offered. I gave him fifty dollars and bade him good-bye, for he had no accommodations to offer us even had I been able to induce Hawkins to remain there. Thus I realized that the only refuge I ever had from the outside world, the only real home I had ever known, was gone. I had nowhere to go, nowhere to deposit my evil load.

We drove on for a space, and now Hawkins awoke and began to clamor for food. Where was I taking him? he demanded to know. And why was I togged out like a bricklayer? He announced that he had had enough of this kind of travelling and insisted on going to a hotel and having a decent meal. I tried to reason with him and explained that it was only for a day or so, and that presently we would go to Boston or some other city, where he should have everything that money could buy. But he leered at me and said he had had plenty of promises already; that we had promised him that

he would get into no trouble if he signed his original affidavit, and that, unless he were treated like a gentleman, he would go back to New York and get other lawyers. He must have seen me turn white at his threat, for from that moment he held it over me, constantly repeating it and insinuating that I was not so anxious to save him as to save myself, which, alas! I could not gainsay.

Soon we came to a small town and here Hawkins flatly refused to go farther. There was a hotel on the main street, and the fellow clambered out of the buggy and staggered into the bar and called loudly for whiskey. There was nothing for it but to put up the horse in the stable and do as my prisoner demanded. So we had dinner together, Hawkins talking in a loud, thick voice that made the waitresses and other guests stare at him and me as if we were some sort of outlandish folk; and after the meal was over he dragged me to the nearest clothier and ordered new ready-made suits for both of us. He had now imbibed much more than was good for him; and when I took out my roll of bills to pay for what we had bought he snatched it out of my hand and refused to give it back. For a moment I almost surrendered myself to despair. I had had no sleep for two nights, I was overwhelmed with mortification and disgust, and here I was in a country

store pranked out like a popinjay, the keeper of a half-crazy wretch who made me dance to any tune he chose to pipe; but I pulled myself together and cajoled Hawkins into leaving the place and giving me back a small part of the money.

There was a train just leaving for Boston and my companion insisted upon taking it, saying that he proposed to spend the money that Dillingham had so kindly furnished him with. I never knew just how he discovered the part Dillingham was playing in this strange drama; but if no one told him, he at any rate divined it somehow, and from this moment he assumed the lead and directed all our movements. It is true that I persuaded him to go to one of the smaller and less conspicuous hotels, but he at once sent for another tailor, ordered an elaborate meal for supper, with champagne, and procured a box at one of the theatres, whither I was obliged to escort him. Neither would he longer permit me to occupy the same room with him—precious privilege!—but engaged a palatial suite for himself, with a parlor, while I had a small and modest room farther down the hall. In some respects this suited me well, however, since I was now able to induce him to have his meals served upstairs. Yet I began to see the foolishness of thinking that we could elude the police should they

set out to seek seriously for us, since, apart from changing our names, we were making no effort at disguising ourselves.

The day after our arrival, Hawkins slept late and I slipped out about ten o'clock and wandering aimlessly came to Barristers' Hall, where twenty years before old Tuckerman Toddleham had his office. The day was warm and humid, like that upon which so long ago I had visited the old lawyer when a student at Harvard and had received from him my sentence. Even as then, some birds were twittering around the stone window-ledges. An impulse that at the moment was beyond my control led me up the narrow, dingy stairs to the landing where the lawyer's office had been. A green-baize door, likely enough the same one, still hung there—and I pushed it open and entered. Naught about the room was altered. There were the bookcases, with their glass doors and green-silk curtains; the threadbare carpet, the portrait of the Honorable Jeremiah Mason over the fireplace; the old mahogany desk; the little bronze paper-weight in the shape of a horse; the books, brown and faded with years; and at the desk—I brushed my hand across my eyes—at the desk sat old Tuckerman Toddleham himself!

For the first time in my entire existence, so far

as I can now remember, I was totally nonplussed and abashed. I could not have been more astonished had I walked into the family lot in the Salem cemetery and found my grandfather sitting on his own tombstone; but there the old lawyer surely was, as certainly as he had been there twenty years before; and the same sensations that I had always experienced as a child when in his presence now swept over me and made me feel like a whipped school-boy. Not for the world would I have had him see me and be forced to answer his questions as to my business in the city of Boston; so, holding my breath, I tiptoed out of the door, and the last vision I ever had of him was as he sat there absorbed in some legal problem, bending over his books, the sunlight flooding the mote-filled air of the dusty office, the little bronze horse standing before him on the desk and the branches of the trees outside casting flickering shadows upon the walls and book-cases. Canny old man! He had never put his neck in a noose! I envied him his quiet life among his books and the well-deserved respect and honor that the world accorded him.

Ruminating in this strain, I threaded my way through the crowd on Court Street, and was about to return to my hotel, when to my utter horror I beheld Hawkins, in all his regalia, being marched

down the hill between two business-like-looking persons, who were unmistakably officers of police. He walked dejectedly and had lost all his bravado. There was no blinking the fact that in my absence he had managed somehow to stumble into the hands of the guardians of the law and was now in process of being transported back to New York.

For a moment my circulation stopped abruptly and a clammy moisture broke out upon my back and forehead. Unostentatiously I slipped into a cigar store and allowed the trio to pass me by. So the jig was up! Back I must go, after my fruitless nightmare with the wretch, to consult with my partner as to what was now to be done. I reached the city late that evening, but not before I had read in the evening papers a full account of the apprehension of the fugitive, including my own part in his escape; and it now appeared that the police had been fully cognizant of all our doings, including the manner of our abduction of Hawkins from our office. They had, under the instructions of the shrewd district attorney, simply permitted us to carry out our plan in order to use the same as evidence against us at the proper time, and had followed us every step of the way to Worcester and on our drive to Methuen.

My heart almost failed me as I thought of how foolish I had been to undertake this desperate jour-

ney myself, instead of sending some one in my place for by so doing I had stamped myself as vitally interested in my client's escape. Fearful to go to my own home, lest I should find myself in the hands of the police, I spent the night in a lodging-house on the water-front, wondering whether Hawkins had already made his confession to the district attorney in return for a promise of immunity; for I well knew that such a promise would be forthcoming and that Hawkins was the last man in the world to neglect the opportunity to save himself at our expense.

Next morning I telephoned Gottlieb and met him by appointment at a hotel, where we had a heated colloquy, in which he seemed to think that I was totally to blame for the failure of our attempt. He was hardly himself, so worn out was he with anxiety, not having heard from me until he had read of Hawkins's apprehension in Boston; but, now that I was able to talk things over with him, we agreed that any effort to spirit our client away would have been equally unsuccessful, and that the one course remaining for us to pursue was to put on as bold a front as possible and let the law take its course. It was equally useless for us to try to conceal our own whereabouts, for all our movements were undoubtedly watched; and the best thing to do, it seemed to us, was to go as usual to our office

and to act as nearly as possible as if nothing had happened.

We were not mistaken as to the intended course of the district attorney; for, when we visited the Tombs for the purpose of interviewing Hawkins, we were informed by the warden that he had obtained other counsel and that our services were no longer required. This was an indisputable indication that he had gone over to the enemy; and we at once began to take such steps as lay in our power to prepare for our defence in case an indictment was found against us. And now we were treated to a dose of the medicine we had customarily administered to our own clients; for, when we tried to secure counsel, we found that one and all insisted upon our paying over in advance even greater sums as retainers than those which we had demanded in like cases. I had never taken the trouble to lay by anything, since I had always had all the ready cash I needed. Gottlieb was in the same predicament, and in our distress we called upon Dillingham to furnish us with the necessary amount; but, to our amazement and horror, our erstwhile client refused to see us or come to our office, and we definitely realized that he, too, had sought safety in confession and would be used by the prosecution in its effort to place the crime of perjury at our door.

From the moment of Hawkins's rearrest the tide turned against us. There seemed to be a general understanding throughout the city that the district attorney intended to make an example in our case, and to show that it was quite as possible to convict a member of the bar as any one else. He certainly gave us no loophole of escape, for he secured every witness that by any possibility we might have called to our aid, and even descended upon our office with a search-warrant in his effort to secure evidence against us. Luckily, however, Gottlieb and I had made a practice of keeping no papers and had carefully burned everything relating to the Dillingham case before I had left the city.

The press preserved a singular and ominous silence in regard to us, which lasted until one morning when a couple of officers appeared with bench-warrants for our arrest. We had already made arrangements for bail in the largest amount and had secured the services of the ablest criminal attorneys we knew, so that we were speedily released; but, with the return of the indictments charging us with suborning the testimony of Hawkins, the papers began a regular crusade against us. The evening editions carried spectacular front-page stories recounting my flight to Boston, the entire history of the Dillingham divorce, biographies of both Gott-

lieb and myself, and anecdotes of cases in which we had appeared and notorious criminals whom we had defended. And in all this storm of abuse and incrimination which now burst over our heads not a single word appeared in mitigation of our alleged offence.

It seemed as if the entire city had determined to wreak vengeance upon us for all the misdeeds of the entire criminal bar. Even our old clients, and the police and court officers who had drawn pay from us, seemed to rejoice in our downfall. Every man's hand was against us. The hue and cry had been raised and we were to be harried out of town and into prison. At every turn we were forced to pay out large sums to secure the slightest assistance; our clerks and employees refused longer to work for us, and groups of loiterers gathered about the office and pointed to the windows. Our lives became a veritable hell, and I longed for the time when the anxiety should be over and I should know whether the public clamor for a victim were to be satisfied.

Gottlieb and the lawyers fought stubbornly every inch of the defence. First, they attacked the validity of the proceedings, entered demurrers, and made motions to dismiss the indictments. These matters took a month or two to decide. Then came

motions for a change of venue, appeals from the decisions against us to the Appellate Division, and other technical delays; so that four months passed before, at last, we were forced to go to trial. By this time my health had suffered; and when I looked at myself in the glass I was shocked to find how gaunt and hollow-cheeked I had grown. My hair, which had up to this time been dark brown, had in a brief space turned quite gray over my ears, and whatever of good looks I had ever possessed had vanished utterly. Gottlieb, too, had altered from a jovial, sleek-looking fellow into a nervous, worried, ratlike little man. My creditors pressed me for their money and I was forced to close my house and live at a small hotel. The misery of those days is something I do not care to recall. We were both of us stripped, as it were, of everything at once—money, friends, health, and position; for we were the jest and laughing-stock of the very criminals who had before our downfall been our clients and crowded our office in their eagerness to secure our erstwhile powerful assistance. Our day was over!

It was useless to try to escape from the meshes of the net drawn so tightly around us. Even if we could have forfeited our heavy bail—which would have been an impossibility, owing to the watchful-

ness of our bondsman—we could never have eluded the detectives who now dogged our footsteps. We were marked men. Everywhere we were pointed out and made the objects of comment and half-concealed abuse. The final straw was when the district attorney, in his anxiety lest we should slip through his fingers, caused our rearrest on a trumped-up charge that we were planning to leave the city, and we were thrown into the Tombs, being unable to secure the increased bail which he demanded. Here we had the pleasure of having Hawkins leer down at us from the tier of cells above, and here we suffered the torments of the damned at the hands of our fellow prisoners, who, to a man, made it their daily business and pleasure to render our lives miserable. Gottlieb wasted away to a mere shadow and I became seriously ill from the suffocating heat and loathsome food, for it was now midsummer and the Tombs was crowded with prisoners waiting until the courts should open in the autumn to be tried.

We were called to the bar together—Gottlieb and I—to answer to the charge against us in the very court-room where my partner had won so many forensic victories and secured the acquittal of so many clients more fortunate than he. From the outset of the case everything went against us; and

it seemed as if judge, prosecutor, and jury were united in a conspiracy to deprive us of our rights and to railroad us to prison. Even when impanelling the jury, I was amazed to find the prejudice against criminal lawyers in general and ourselves in particular; for almost every other talesman swore that he was so fixed in his opinion as to our guilt that it would be impossible to give us a fair trial.

At last, however, after several days a jury of twelve hard-faced citizens was sworn who asserted that they had no bias against us and could give us a fair trial and the benefit of every reasonable doubt. Fair trial, indeed! We were convicted before the first witness was sworn! Convicted by the press, the public, and the atmosphere that had been stirred up against us during the preceding months. And yet, one satisfaction remained to me, and that was the sight of Hawkins and Dillingham on the grill under the cross-examination of our attorneys. Dillingham particularly was a pitiable object, shaking and sweating upon the witness chair, and forced to admit that he had paid Gottlieb and me thirty-five thousand dollars to get him an annulment so that he could marry the woman with whom he was now living. The court-room was jammed to the doors with a curious crowd, anxious to see Gottlieb and

me on trial and to learn the nature of the evidence against us; and when our client left the stand—a pitiful, wilted human creature—and crawled out of the room, a jeering throng followed him downstairs and out into the street.

The actual giving of evidence occupied but two days, the chief witness next to Hawkins being the clerk who swore the latter to his affidavit in my office. This treacherous rascal not only testified that Hawkins took his oath to the contents of the paper, but at the same time had told me that it was false. The farce went on, a mere formal giving of testimony, until at length the district attorney announced that he had no more evidence to offer.

"You may proceed with the defence," said the judge, turning to our counsel.

I looked at Gottlieb and Gottlieb looked at me. The trial had closed so suddenly that we were taken quite unawares and left wholly undetermined what to do. We had practically no evidence to offer in our behalf except our own denials of the testimony against us; and if once either of us took the stand we should open the door to a cross-examination at the hands of the district attorney of our entire lives. For this cross-examination he had been preparing for months; and I well knew that there was not a single shady transaction in which we had partici-

pated, not one attempt at blackmail, not a crooked defence that we had interposed that he had not investigated and stood prepared to question us about in detail.

"What shall we do?" whispered Gottlieb nervously. "Do you want to take the stand?"

"How can we?" I asked petulantly. "If we did we should be convicted—not for this but for every other thing we ever did in our lives. Let's take a chance and go to the jury on the case as it stands."

After consulting with our counsel, the latter agreed that this was the best course to pursue; and so, rising, he informed the court that in his opinion no case had been made out against us and that we should, therefore, interpose no defence. This announcement caused a great stir in the court-room, and I could see by the faces of the jury that it was all up with us. I had already surrendered all hope of an acquittal and I looked upon the verdict of the jury as a mere formality.

"Proceed, then, with the summing up," ordered the judge. "I wish the jury to take this case and finish it to-night."

So, with that, our counsel began his argument in our behalf—a lame and halting effort it seemed to me, for all that we had paid him twenty-five thousand dollars for his services—pointing out how

neither Dillingham nor Hawkins was worthy of belief, and how the case against us rested entirely upon their testimony and upon that of the clerk, who was an insignificant and unimportant witness injected simply for the sake of apparent corroboration. Faugh! I have heard Gottlieb make a better address to the jury a thousand times, and yet this man was supposed to be one of the best! Somehow throughout the trial he had seemed to me to be ill at ease and sick of his job, a mere puppet in the mummery going on about us; yet we had no choice but to let him continue his ill-concealed plea for mercy and his wretched rhetoric, until the judge stopped him and said that his time was up.

When the district attorney arose and the jury turned to him with uplifted faces, then, for the first time, I realized the real attitude of the community toward us; for in scathing terms he denounced us both as men not merely who defended criminals but who, in fact, created them; as plotters against the administration of justice; as arch-crooks, who lived off the proceeds of crimes which we devised and planned for others to execute. It was false and unfair; but the jury believed him—I could well see that.

"These men have made a fat living for nearly a generation in this city by blackmail, bribery, and

perjury. They have made a business of ruining homes, reputations, and the lives of others. They have directed the operations of organized bands of criminals. They are the Fagins of the city of New York. Once the poor and defenceless have fallen into their power, they have extorted tribute from them and turned them into the paths of crime. Better that one of them should be convicted than a thousand of the miserable wretches ordinarily brought to the bar of justice!"

And in this strain he went on until he had bared Gottlieb and myself to our very souls. When he concluded there was a ripple of applause from the spectators that the court officers made little attempt to subdue; and the judge began his charge, which lasted but a few minutes. What he said was fair enough, and I had no mind to quarrel with him, although our counsel took many exceptions. The jury retired and my partner and I were led downstairs into the prison pen. It was crowded with miserable creatures waiting to be tried—negroes and Sicilians, thieves and burglars—who took keen delight in jostling us and foretelling what long sentences we should receive. One negro kicked me in the shins and cursed me for being a shyster, and when I protested to the keeper he only laughed at me.

About half an hour later an officer came to the head of the stairs and shouted down:

"Bring up Gottlieb and Quibble!"

Our keeper unlocked the pen and, followed by the execrations of our associates, we stumbled up the stairs and into the court-room. Slowly we marched around to the bar, while every eye was fixed upon us. The jury were already back in the box and standing to render their decision. The clerk rapped for order and turned to the foreman.

"Gentlemen of the jury, have you agreed upon a verdict?" he intoned.

"We have," answered the foreman unhesitatingly.

"How say you, do you find the defendants guilty or not guilty?"

"We find both of them guilty!" replied the foreman.

A slight shiver passed through Gottlieb's little body and for a moment the blood sang in my ears. No man can receive a verdict of guilty unperturbed, no matter how confidently expected. The crowd murmured their approval and the judge rapped for silence.

"Are you ready for sentence?" asked the judge.

We nodded. It was useless to prolong the agony.

"I have nothing to say to you," remarked the judge, "in addition to what the district attorney has said. He has fully expressed my own sentiments in this case. I regard you as vampires, sucking the blood of the weak, helpless, and criminal. Mercy would be out of place if extended toward you. I sentence you both to the full limit which the law allows—ten years in State's prison at hard labor."

An officer clapped us upon the back, faced us round toward the rear of the court-room, and pushed us toward the door leading to the prison pen, while another slipped a handcuff on my right wrist and snapped its mate on Gottlieb's left.

"Get on there," he growled, "where you belong!"

The crowd strained to get a look at us as, with averted faces, we trudged toward the door leading to the prison pen. Our lawyers had already hastened away to avoid any reflected ignominy that might attach to them. The jurymen were shaking hands with the district attorney.

"Adjourn court!" I heard the judge remark.

With a whoop, the spectators in the court-room crowded upon our heels and surged up to the grating before the door.

"There's Gottlieb!" cried one. "The little fellow!"

"And that's Quibble—the pale chap with the thin face!" said another.

"Damn you! Get out of the way!" I shouted threateningly.

"There go the shysters!" retorted the crowd. "Sing Sing's the best place for them!"

The keeper opened the door and motioned back the spectators. I staggered through, shackled to my partner and dragging him along with me. As the door clanged to I heard some one say:

"There goes the last of the firm of Gottlieb & Quibble!"

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